United Nations S/2010/154

Security Council

Distr.: General
23 March 2010
English
Original: French

Letter dated 15 March 2010 from the Secretary-General to the President of the Security Council

I have the honour to transmit herewith a feasibility study on the creation of information centres on the International Tribunal for the Former Yugoslavia, submitted by Mr. Patrick Robinson, President of the International Tribunal for the Former Yugoslavia (see annex).

The feasibility study was prepared by the Tribunal pursuant to the recommendation set out in paragraph 259 (1) (ix) of the report of the Secretary-General dated 21 May 2009 on the administrative and budgetary aspects of the options for possible locations for the archives of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda and the seat of the residual mechanism(s) for the Tribunals (S/2009/258).

I should be grateful if you would transmit the feasibility study to the members of the Security Council.

(*Signed*) **BAN** Ki-moon

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Annex

Letter dated 15 January 2010 from the President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, addressed to the Secretary-General

I have the honour of referring to your report of 21 May 2009, on the administrative and budgetary aspects of the options for possible locations for the archives of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda and the seat of the residual mechanism(s) (S/2009/258) and the recommendations made in paragraph 259 (1) of that report, endorsed by the Security Council and specifically, recommendation (ix), "Examine the feasibility of establishing information centres in the affected countries to give access to copies of the public records or the most important parts".

Attached to this letter is a report prepared by the Head of Chambers of the Tribunal, Ms. Catherine Marchi-Uhel, as a measure to implement recommendation (ix) (see enclosure). I would be grateful if you would transmit this report to the President of the Security Council for circulation to the members of the Security Council.

I would also be grateful if you could draw to the attention of the President of the Security Council the issue of the status of this report and whether the Security Council has any objection to the Tribunal publishing the report. I note that a number of Ambassadors in The Hague have made requests to the Tribunal to view the report.

(*Signed*) Patrick **Robinson**
President

Enclosure

Feasibility study on the creation of information centres on the International Tribunal for the Former Yugoslavia in the former Yugoslavia

11 January 2010

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I. TERMS AND CONDUCT OF THE MISSION

A. Terms of the Mission

1. By memorandum of 22 September 2009, Judge Patrick Robinson, President of the International Tribunal for the former Yugoslavia (ICTY), appointed me to carry out a study on the feasibility of the creation of Information Centres in the former Yugoslavia in accordance with subparagraph (ix) of paragraph 259(1) of the Report of the Secretary-General on the administrative and budgetary aspects of the options for possible locations for the archives of the International Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda and the seat of the residual mechanism(s) for the Tribunals, S/2009/258, 21 May 2009.

2. Paragraph 259(1) of the above-mentioned Report sets out a number of recommendations on matters that the Tribunals should address from now until their closure. Subparagraph (ix) of paragraph 259(1) requests the Tribunals to "[e]xamine the feasibility of establishing information centres in the affected countries to give access to copies of the public records or the most important parts". Paragraph (m) requests the Tribunals to report to the Security Council on their progress in implementing the above tasks, as part of their regular reporting on the completion strategies.

B. Conduct of the Mission

3. In the conduct of my mission, I was assisted by President Robinson's notification to the Embassies of the States of the former Yugoslavia in The Hague of the purpose of my mission and the officials I would contact. Before travelling to the Region, I met with the respective Ambassadors of Bosnia and Herzegovina,[1] Serbia,[2] Croatia,[3] and a representative of the Embassy of the Former Yugoslav Republic of Macedonia.[4] My mission was carried out from 19 October until 3 November 2009. Specifically I held meetings in Sarajevo (20-21 October), Banja Luka (22 October), Zagreb (23 and 26 October), Belgrade (27-28 October), Podgorica (29 October), Pristina (30 October), and Skopje (2 November). I was assisted by Mr. Matias Hellman and Ms. Nerma Jelačić, as well as by staff of the Field Offices in Sarajevo,[5] Zagreb,[6] Belgrade,[7] and Pristina.[8] These staff members arranged my meetings with State and government officials, members of prosecutorial and judicial authorities, representatives of civil society, victims groups, members of academia, archivists, and representatives of the international community. I also received material assistance from UNICRI, which provided a note-taker for the first meetings held in Sarajevo,[9] until I was joined by an officer from The Hague released by the Registry. This officer's assistance was particularly valuable to the success of the mission.[10] While I attempted to conduct as comprehensive a study as possible, time constraints and my responsibilities as Head of Chambers did not allow me to meet all persons identified by my interlocutors as valid contacts for the study.

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[1] Meeting with H.E. Miranda Sidran Kamiščić, Ambassador, Embassy of Bosnia and Herzegovina in The Hague, on 9 October 2009, with the assistance of Ms. Nerma Jelačić.

[2] Meeting with H.E. Čedomir Radojković, Ambassador, Embassy of the Republic of Serbia in The Hague, on 12 October 2009, with the assistance of Mr. Matias Hellman, Legacy Officer, ICTY Office of the President.

[3] Meeting with H.E. Josip Paro, Ambassador, Embassy of the Republic of Croatia in the The Hague, on 13 October 2009, with the assistance of Mr. Matias Hellman.

[4] Meeting with Mr. Dragancho Apostolovski, Chargé d'Affaires, Embassy of the Former Yugoslav Republic of Macedonia in The Hague, on 14 October 2009, with the assistance of Ms. Nerma Jelačić.

[5] Mr. Howard Tucker, Head of Mission, Ms. Ernesa Begić, Information Assistant and Mr. Darko Bartula, interpreter.

[6] Mr. Thomas Oswin, Head of Mission; Ms. Klara Dokmanovic, Information Assistant.

[7] Mr. Deyan Mihov, Head of Mission; Mr. Goran Georgiev, Information Assistant, who secured and organized meetings in Serbia and in Montenegro (where the Tribunal does not have a field mission).

[8] Mr. Blerim Halimi, Information and Administrative Assistant, Pristina, who organized and attended with me meetings in Kosovo and FYROM (where the Tribunal does not have a field mission).

[9] UNICRI provided me with the assistance of a notetaker, Ms. Azra Šehic, for the meetings held in Sarajevo on 20-21 October 2009, who was extremely helpful.

[10] Ms. Kornelija Kirnbauer, Administrative Assistant, Registry, Victims and Witnesses Section.

4. I made clear to my interlocutors that the focus of the present study was not about the ICTY archives and its possible location, a matter currently pending before the United Nations Security Council,[11] but on the feasibility of establishing Information Centres in the affected countries aimed at providing their citizens with wide and easy access to the public records of the Tribunal's proceedings or the most important parts. In order to assess the feasibility of establishing such centres and to gauge the level of interest in the Tribunal facilitating the establishment of such centres — both in the Region and in particular countries — I requested those I held meetings with to focus on the following issues:

(a) possible services that could be offered by an Information Centre and potential users;
(b) expected impact of an Information Centre;
(c) possible locations and/or institutions capable of providing such services within the Region;
(d) respective role of governmental, non-governmental, and local branches of international organizations;
(e) possible partnerships for Information Centres; and
(f) one Centre or more per State and inter-regional coordination among Information Centres.

5. In general, the response to the idea of establishing Information Centres in the various locations visited was positive. Most interlocutors among officials in each country expected to see a concrete proposal and a clear indication of the structure, status, and supervisory mechanism of such Centres prior to making a commitment of support. Many of those I spoke with asked why the Tribunal had not considered this matter previously, while one interlocutor from the international community in Serbia expressed the view that it would be preferable to wait until the ICTY had completed its work before establishing Information Centres. The only interlocutors strongly opposed to the creation of Information Centres in Bosnia and Herzegovina were two representatives of victims groups in Banja Luka. Their opposition was grounded in their belief that the Tribunal was "anti-Serb" and that, because of this bias on the part of the Tribunal, there was nothing positive to expect from the establishment of such Centres. In Kosovo, similar opposition was expressed by the Director of an NGO, who also questioned the Tribunal's independence and credibility. Since my return from the Region, I have met with the Ambassador of Slovenia in the Hague who expressed the interest of his country in the project of establishing Information Centres in the Region. He stressed that Slovenia was willing to assist the process of memory an reconciliation in the Region, which is the reason why, Slovenia had previously expressed interest in receiving the ICTY archives and would be willing to host an Information Centre.[12]

6. The remainder of this report is divided into two main sections. The first section contains the findings resulting from the views expressed by my interlocutors in relation to each of the seven questions listed above. The second section contains recommendations. Finally, a summary of all the views expressed by each of my interlocutors is contained in an Annex to the Report. This structure, which brings with it some repetition, was chosen in order to give full acknowledgment to the views expressed by each interlocutor.

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[11] This was particularly important in light of the fact that a number of these interlocutors had been consulted by members of the Advisory Committee on Archives of the United Nations Tribunals for the Former Yugoslavia and Rwanda. See Final Report, pages 70-79.

[12] Ambassador Marc indicated that Slovenia would be able to adopt a "non emotional" approach in informing the public of Slovenia and of the Region about all the ICTY cases and he believed that Slovenian experts in contemporary Yugoslav history would be assets for such a project. He expressed interest in the present report being made public as soon as possible and certainly prior to the Conference Assessing the Legacy of the ICTY on 23-24 February so that Slovenia would be in a position to contribute more concretely to the project at the Conference.

II. SERVICES TO BE OFFERED BY INFORMATION CENTRES AND POTENTIAL USERS

7. My discussion with various interlocutors lead to the identification of two major outcomes they envisaged being achieved by the establishment of information centres: (a) facilitating access to ICTY public records and (b) outreach activities, including preparing material for *inter alia* educational purposes, organization of events, and discussions, which would inform the general public of the legacy of the ICTY.

A. Facilitating access to ICTY public records

8. My interlocutors considered that, at a minimum, Information Centres should be depositories of a full set of electronic versions of ICTY public records. While the availability of the Tribunal's on-line court records database[11] — available to the public via the new website — was acknowledged and appreciated by officials, researchers, historians, students, and practitioners, a number of interlocutors stressed the limitation of transcripts on the JDB not being provided in local languages (BCS, Albanian, and Macedonian). In response, I informed them of the Tribunal's current project in partnership with ODIHR aimed at producing BCS versions of around 20% of transcripts, with priority being given to those relevant to domestic proceedings in the Region. I stressed that, once available, the BCS version of public transcripts would also be available on the JDB. I also informed them of the on-going project of digitization of ICTY video materials, expected to be completed by the end of 2010. Members of the judiciary in Bosnia-Herzegovina requested information on where the Tribunal stood with its project of translating into BCS its Appeals Chamber Case Law Tool, which is currently available on the ICTY's Web Site in English. I noted that none of the representatives of law faculties and research centres with whom I had met appeared to be aware of this tool. My interlocutors indicated that the JDB and other research tools available on the website were not easily accessible to the general public, many of whom have no or limited computer literacy or legal skills. Thus, while they would welcome the multiplication of digital access points connected with the ICTY's central archives and databases (with fast internet connections and a specially designed user interface) in existing institutions of the Region, they did not think this would suffice to make those materials accessible to the general public. To facilitate public access to ICTY public records, it was proposed that the materials should be deposited in premises which were properly staffed. The staff would be expected to be either from the Region or at least fluent in the local language and to possess a good knowledge of the ICTY's work and the materials. They would also have to possess the right skills to allow them to transfer their knowledge to the public. This included the ability to communicate to a wide range of persons with varying skills and knowledge of the work of the ICTY and to address a varied range of requests for information.

9. A number of interlocutors attached great importance to receiving "certified" copies of the "full set" of all public materials in information centres. While views diverge as to whether ICTY *archives* should at some stage be located in the Region, there generally was support expressed for various locations in the Region receiving *copies* of the ICTY public records. There is obviously symbolic importance attached by most of my interlocutors to having at least one location in each of the States of the Region where copies of the ICTY public records are deposited and made accessible. Views diverge as to whether these materials would have to be made available in hard copy or whether electronic copies of the materials would be sufficient. A number of interlocutors stressed the importance of having hard copies of the public records, stressing that one should not over estimate the capacity of the general public to use computers and tools such as the JDB. Others considered that at least a location in the Region with digital access points connected to the ICTY's central archives and databases and with well trained staff on hand to assist those seeking access would be particularly useful. (See below, section on

[11] This database aims at providing access to all public court records from the first filing made at the Tribunal in 1994 through to today. The current collection is of more than 150,000 public documents and is updated daily. While every effort is made to ensure that the database is complete, certain types of documents are pending inclusion. Specifically, transcripts from numerous cases are in the process of being launched, as well as exhibits from several ongoing cases.

whether one or more Centres per country would be desirable and the possible partnership between an Information Centre and other existing institutions.

B. A strong outreach activity

10. Expectation was expressed that Information Centres should be given a strong outreach role. While conscious of the sensitivity of the matter, a number of interlocutors saw such Centres as actively organizing presentations and debates on the work of the ICTY, the cases it has adjudicated, and the findings it has made with respect to the crimes committed and responsibility therefor. Interlocutors from NGOs and representatives of the International Community in Bosnia-Herzegovina and Serbia referred to "bridging the gap" ICTY outreach events as well as Beyond Reasonable Doubt seminars organized by the Humanitarian Law Centre (Belgrade) with the help of ICTY. They considered such events as providing a way of sharing the legacy of the Tribunal with the public, and suggested that Information Centres should learn from those events. The need for materials to be developed that could be used both by officials, NGOs, and law students for educational purposes was also identified as a role that Information Centers could take on. One interlocutor suggested that information available at the Centre should not remain at the Centre but be made available to other institutions such as law faculties and the media.[9] Other interlocutors suggested that Information Centres should be located in law faculties so as to epitomize the use of ICTY public records.[10] The Head of the Croatian Memorial Documentation Centre of the Homeland War stressed that following up the work of the ICTY and organizing events in relation to it are of great importance for Croatia.[11] If Information Centers were to be more than mere depositories of ICTY public records, they would be a useful partner for researchers, historians, students, victims and witnesses, and families of missing persons. It was noted that the general public would also benefit as their main source of information about the ICTY's work is currently the media, a source many interlocutors considered to be often inaccurate or insufficiently specific. A number of interlocutors recommended that Information Centres work in partnership with existing institutions, such as research Centres, national libraries, law universities, and the media, in organizing events, presentations, and round tables. This would require the provision of staff trained on how to best share information and with sufficient knowledge of the work of the Tribunal to enable them to assist a wide range of persons seeking varied access to information. One interlocutor suggested that, if Information Centers were to be established, media such as TV and radio could be of assistance in promoting the work of the Centers and in conveying information generated by the Centres to the broader public (e.g., HRT program where Croatian War Veterans discuss these problems and issues).[12]

11. I consider that it may be appropriate to create multiple access points to ICTY records in existing institutions, for example libraries, law faculties, human rights or research Centres, and UNDP Offices. Provided these institutions receive assistance/training as to how to make full use of the information the website contains and in particular its databases, they would effectively meet the needs identified by my interlocutors. Multiplication of access points would offer wider public access to ICTY public records in electronic form. One institution could be identified as the official "Information Centre" and would be the focal point for outreach activities and the development of educational materials and would provide assistance to partner institutions. Specific acknowledgement should be made to a project of the Mayor of the municipality of Sarajevo. The Mayor is currently seeking to obtain a full set of certified copies of ICTY public records to be housed in Sarajevo city center and to be made available to the public at large. While there are no indications that the Mayor intends to develop outreach and educational capacities, the initiative could coexist with the establishment of an Information Centre focusing on services going beyond mere access to the materials. Some archivists and representatives of the academia of Bosnia-Herzegovina, aware of the Mayor's initiative, have stressed the need to protect this project from political influences for fear that it may become subject to propaganda.

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[9] Mr. Boro Kontic, Director of Mediacentar Sarajevo.

[10] Professor Josipovic, Law Faculty Zagreb, also a candidate to presidential elections in Croatia.

[11] Mr. Ante Nazor, Head of Croatian Memorial Documentation Centre on the Homeland War.

[12] Mr. Murat Tahirovic, Head of Union of Former Camp Detainees in BiH.

III. EXPECTED IMPACT OF INFORMATION CENTRES

12. In addition to the obvious benefit of making the information contained in the ICTY public records more accessibl to the population affected by war crimes and in that way better promoting the Legacy of the ICTY, the establishment Information Centres is also seen by my interlocutors as having great potential from an educational point of view. Thus combined with outreach activities, Information Centers could have a positive impact upon reconciliation in the Regio and also facilitate greater understanding of the importance of the work of domestic courts in prosecuting war crime Additionally, Information Centers could enter into partnerships with local media, which may positively influence the wa media covers the ICTY's work and improve the accuracy of local media reports.

A. Support Education Programs and Reconciliation Process

13. There is a real need for education of the public on war crimes in the Region, and it is clear that Information Centres could play a significant role in this direction. However, while a number of institutions—such as NGO and research centres, which are already engaged in educational projects—see Information Centres in the Regio as potential partners in that effort,[18] others seem to fear competition and foresee difficulty in raising funds fo their own projects, in the event that Information Centres also take on an educational role.[19] At a minimum, Information Centres were to take on an educational role, that role should be clearly defined, and it would b necessary to ensure that they complement rather than compete with the civil society in order avoid weakenin national efforts. For instance, Information Centres could assist in identifying/developing relevant materials fo educational purposes and could let local partners engaged in educational programs use the materials generated.

14. Finally, a number of interlocutors would expect the presence and work of Information Centres in the Regio to assist people in facing their past and in being more resistant to propaganda. Information Centres would provid accurate and unbiased information about the events, which would hopefully assist the public to progressivel engage in open discussion about the past and through those discussions reconcile their differences.

B. Support the work of relevant actors of the Civil Society

15. Most interlocutors from NGOs, from organizations dealing with missing persons, and, with a few exceptions, from associations of victims, rely heavily on ICTY public records and would benefit from having Information Centres established in the Region. Having access to the ICTY databases on-line is considered to be very different from the possibility of working in partnership with an Information Centre that is located on their territory and managed by staff who are knowledgeable about the work of the ICTY, able to communicate in the local languages, and well trained in transferring expertise.

C. Support the Work of Domestic Prosecutorial and Judicial Actors

16. Although they have their own channel for access to ICTY public records and can even request modification of protective measures for the purpose of their domestic proceedings, local Prosecutors and Judges whom I met during my visit to the Region, in general,[20] considered that the establishment of Information Centres in the Region would assist them in their work: they would generate a better understanding by the media and the public

[18] In Bosnia-Herzegovina, Mr. Tokači, Research and Documentation Center. In Serbia, Dušan Bogdanović, YUCOM (Lawyers' Committee for Human Rights), Ms. Sonja Biserko, Helsinki Committee for Human Rights, and Ms. Maja Stojanovic, Director, Youth Initiative for Human Rights.

[19] In Serbia, Ms. Natasa Kandic, Humanitarian Law Centre.

[20] See different views expressed by several (but not all) judicial and prosecutorial interlocutors in Serbia and Montenegro in particular.

of the importance of the role of the domestic judiciary in fighting impunity for war crimes and woul continuity of the work done by the ICTY.

D. Impact on Media's coverage of ICTY's work

17. A number of interlocutors perceive the current coverage of ICTY's work by local media as The complaints expressed ranged from a perceived tendency on the part of the media not to use information at their disposal to the intentional pursuit of political agendas and propaganda throu ICTY coverage. At the same time, local media are perceived as having a strong influence on the pu and constituting the main source of information for a large proportion of the public. Therefore, it w that Information Centres could have a real impact if they were to develop a positive relationship with The start of the Karadžić trial and the public interest it will generate were considered an opportunity to revise its strategy *vis a vis* local media. There was an expectation on the part of interlocutors that Centres could play a positive role in this resp t. Finally, while certain interlocutors considered that time before the general public would be interested in coming to an Information Centre to directly materials it contained, the media could assist in covering events organized on its premises.

IV. POSSIBLE LOCATIONS AND PARTNERS AND RESPECTIVE R OF GOVERNMENT/NGOS/UN-ICTY

A. Possible Locations/Institutions to become depositories of ICTY public records an an Information Centre or become partners to it

18. The institutions mentioned below expressed interest in becoming depositories of ICTY public records a access for the public and/or hosting an Information Centre. As a preliminary note, it must be stressed that government officials with whom I met, even when expressing interest in the project, were often not yet in commit to support it and either proposed to come back to the Tribunal with a more formal position or ex sersed of a formal proposal by the Tribunal or the United Nations. Therefore, few of them actually took a p which institution was the best placed to host an Information Centre. That said, they often indicated that St would be appropriate institutions to house certified copies of the ICTY public records.

1. Bosnia and Herzegovina

19. The Mayor of the **Municipality of Sarajevo** expressed an interest in using the old Sarajevo City a depository of ICTY public records, which will be made accessible to the public. Additionally, the **Bosnia-Herzegovina**,[21] recognized by both Entities, as well as the **Historical Museum of Bosnia-He** although its status as a State institution is not officially confirmed, were considered by several inter suitable institutions to locate ICTY public records in BiH. The Director of the National and Univers located in Sarajevo, indicated that it did not have adequate premises to host an Information Centre, Hall requires renovation. The **National Library of Republika Srpska** located in Banja Luka, the Republika Srpska, also volunteered to be one of the depositories of a full set of ICTY public recor electronic form. It could not offer the full set of services discussed above, or promote the work of the could offer public access to the ICTY public records and would be willing to host presentations by st Information Centre and other speakers.

20. Two research centres also volunteered to receiving electronic copies of the ICTY public records an Information Centre, or at least become active partners of an Information Centre. The Director of th

[21] Ms. Alma Dedic, Portfolio Manager, Justice and Human Rights Portfolio (UNDP); Mr. Husnija Kamberović, Director History Institute.

and Documentation Centre (RDC), an NGO, stated that he would be ready to start the process immediately and indicated that he had secured long-term funding from various international non-governmental organizations, such as SIDA and the Norwegian and Swedish governments. Similar interest was expressed by the Director of the **Institute for the Research of Crimes Against Humanity and International Law**.[22] Both institutions have already gathered a large amount of ICTY materials.

21. Several representatives of the International Community in Bosnia and Herzegovina considered **domestic courts** as logical depository institutions for ICTY public records.[23] This was viewed as a guarantee of appropriate geographical distribution as well as their proper use and neutrality. One interlocutor from civil society,[24] was of the view that none of the NGOs in BiH could ever economically ensure the sustainability of the Information Centre.

22. I consider that—at least during the initial period, due to the fact that Information Centres would form part of the Legacy of the ICTY, and taking account of the importance attached by a majority of interlocutors to the Information Centres being established under the auspices of the **United Nations**—the Sarajevo ICTY Field Office or even UNDP could host an Information Centre. This would make sense if several local institutions were depositories of electronically certified copies of the ICTY public records. The UN could focus on developing a stronger outreach activity from the Information Centre.

2. Croatia

23. Among possible depositories of ICTY public records, the **State Archives** and the **Croatian Memorial Documentation Centre of the Homeland War** appeared interested and were also suggested by various interlocutors, including the Minister of Justice.

24. **The Law Faculty in Zagreb** would also be a possible location for hosting a full set of ICTY public records, although logically the focus would then be on substantive legal and procedural aspects of the ICTY's Legacy, which is important for the academic field, but less for the broader public. Professor Josipović considered that this location would be the only logical choice.

25. Most representatives of NGOs recommended that the **Humanitarian Law Centre in Zagreb** become the Information Centre. According to its Director, the Centre has the status of a public national institution, which has disseminated information about and coming from the ICTY.[25] It is mainly concerned with dealing with the past and war crimes. It gathers and disseminates human rights documentation and has worked in partnership with UN agencies in Croatia, including UNDP, and is aiming at converting into a national Centre for Human Rights and Humanitarian Law. It is at this stage unclear whether the Human Rights Centre will remain independent or will integrate with the office of the Ombudsman. The **Human Rights House**, due to open on 10 December in Zagreb, was also indicated by the same interlocutors as likely to provide suitable premises for an Information Centre.[26] It must be noted that all the NGOs met expressed interested in working in partnership with an Information Centre.

26. Finally, **UNDP** in Croatia is very active in developing partnerships with local institutions.[27] I consider that, at least during a transitional phase, it would be an adequate institution to host an Information Centre. The fact that our Registry Liaison Office in Zagreb is likely to be hosted in the same premises as UNDP would facilitate such process.

[22] Mr. Smail Čekić.
[23] Ms. Margriet Prins, Senior Adviser OHR; James Rodehavier, Head of Human Rights Department, OSCE.
[24] Mr. Boro Kontić, Director of Mediacentar Sarajevo.
[25] Mr. Tin Gazivoda, Director Human Rights Centre.
[26] Ms. Vesna Teršelić, Documenta.
[27] Mr. Thomas Osorio.

3. Serbia

27. While expressing interest in the project, as well as some concerns, the Officials with whom I met in Belgrade did not formally support the establishment of Information Centres and thus did not recommend one particular institution to host one.

28. The only local institution of Serbia contacted, which expressed interest in becoming a depository of ICTY public records, was the **National Library of Serbia**. The Director also suggested that, once the on-going construction in the library was finished, the small documentation Centre, *i.e.*, the Documentation Centre War 1991-1999, which the library used to host, could host an Information Centre.

29. While most NGO representatives expressed interest in working in partnership with an Information Centre (see position expressed by the Humanitarian Law Centre), they did not recommend a local institution to host an Information Centre. They indicated that the ICTY case law does not yet form part of the curriculum at the Law faculty of Belgrade. Unfortunately, time constraints prevented me from meeting with representatives of the Law Faculty.

30. I consider that in Serbia **UNDP** appears to be a possible and legitimate institution which could host an Information Centre, at least for a transitional phase.

4. Montenegro

31. In Montenegro, the **State Archives** expressed interest in being a depository of certified copies of ICTY public records, although it may require them increasing their equipment and certainly would have staffing implications.

32. I came to the conclusion that **UNDP** could be a legitimate institution to establish an Information Centre, at least for a transitional phase. The UN Resident and UNDP Representative in Montenegro expressed the view that access to ICTY public records would be best organised under the auspices of the UN.

5. Kosovo

33. Three institutions contacted expressed interest in being a depository of ICTY public records and/or hosting an Information Centre:

34. The **Centre for Human Rights**, whose activities focus on human rights and humanitarian law, expressed interest in hosting an Information Center and being a depository of ICTY public records. The Centre for Human Rights is located in the premises of the Law Faculty of Pristina and provides access to professors, students, and the general public to books and documents. It also organizes conferences in partnership with international organizations present in Kosovo. It is equipped with a library and digital access points and a large conference room, and could host one additional staff member focusing on ICTY materials.

35. The **State Agency of Archives** would be willing to be a depository of ICTY public records and provide access to the public.

36. Representatives of **UNDP** expressed interest in hosting an Information Centre or at least working in partnership with it. They considered that it would particularly fit within their on-going project called "Access to Justice", which is liaising with a number of local partners, including representatives of civil society and victims.

37. Finally, although I was not able to meet with its representatives, several interlocutors mentioned the **Kosovo Law Centre** as an institution likely to be interested in hosting an Information Centre.

6. Macedonia

38. The **Macedonian National Archives** expressed interest in becoming a depository of ICTY public records, either in hardcopy or electronic form or both, and in making them available to the public.

39. **Skopje Basic Court** was also identified by several interlocutors as an appropriate institution to host an information centre, if it was felt appropriate to locate the ICTY records in a judicial institution. The court in question has a media centre.

40. Representatives of **UNDP** in Macedonia were not sure that an Information Centre could form part of the framework under which it operates.

B. Respective role of Government/NGOs/UN-ICTY

41. Most interlocutors identified the necessity of defining the respective roles of government, NGOs, and the International Community in relation to Information Centres, with a view to ensuring their neutrality, a pre-condition for this project to succeed. As to how to guarantee the neutrality of Information Centres, views diverged as to whether NGOs should be involved in their functioning. Some interlocutors strongly advocated against such involvement[28] and considered that instead the UN[29] or States should be involved, especially as the project requires long term funding.[30] Other interlocutors were in favour of NGO involvement and suggested at least liaising with the NGO community and involving them in the process.[31] One interlocutor suggested that authorities and political parties should be kept at some distance from the project, considering that the public would not trust the neutrality of Information Centres if there were such involvement.[32]

42. In general, as Information Centres would be established under the United Nations umbrella, this was perceived as likely to provide a guarantee of neutrality. Without this guarantee, the general view was that there would be a risk that Information Centres would be used to present only one part of the story of the events that occurred in the former Yugoslavia. This view prevailed even among representatives of associations of victims, who were often critical about the work of the Tribunal. It was also considered that State governments should not only be consulted but also their endorsement of the project should be obtained in conjunction with a commitment of financially support for implementation and sustainability. Some interlocutors favored the establishment of the Centres under the auspices of the Ministries of Justice.

43. With rare exception,[33] Officials did not consider that Information Centres should be run by an NGO, but that NGOs should be partners of Information Centres. At the same time, a number of national institutions (Archives, National Library, Law Faculties) and NGOs volunteered or were suggested as appropriate institutions to become depositories of copies of ICTY public records. A number of interlocutors suggested that a "supervisory or advisory board" or "board of directors" be established, comprised of officials, experts, and academics and which would play a role in defining/approving the activities of Information Centres and their outreach approach. Concern for the risk of political forces misusing or abusing the Centres for their own political purposes and propaganda was also expressed, along with the expectation that the structure of Information Centres would be designed in a way that would prevent this risk. Finally, the involvement of the ICTY in establishing Information

[28] Ms. Tabori, Advisor to Mr. Komić; Ms. Zimić, Chef de Cabinet to Mr. Silajdžić.
[29] *Idem*.
[30] Mr. Edin Ramulić, Representative of Izvor, Prijedor, considering that the State of BiH shall be asked to help financing at least future maintenance of the Centres.
[31] Mr. Murat Tahirović, Head of Union of Former Camp Detainees in BiH.
[32] *Idem*.
[33] Mr. Tomislav Jakić, Office of the President, Foreign Policy Adviser to the President of Croatia, who suggests that Information Centres be established under the auspices of the United Nations and be run by the NGO sector. He referred to the existing network of NGOs from Serbia, Croatia, BiH, and Montenegro who are dealing with the war crimes issues (Igman Initiative).

Centres was generally expected, whether by seconding ICTY staff until such time as local staff could take over and before the ICTY closes, or by recruiting former ICTY staff. This was not only because Information Centres would promote the Legacy of the ICTY, but also because of the expertise required for Information Centres to succeed.

C. One or more Centres per State

44. In Bosnia-Herzegovina, views diverged as to whether it would be preferable to have more than one Information Centre. Considering the number of crimes sites on the territory, it was suggested that, if only one Information Centre was established in Sarajevo, that Centre should work in partnership with other institutions and organizations (*e.g.*, courts, libraries, law faculties, research centres) and other locations. These other organizations could provide electronic access points to the ICTY's public records. One interlocutor warned against establishing Information Centres to reflect current political and administrative divisions within the State.[34] One interlocutor suggested that the ideal would be to have many satellites arising from a main Centre, so that people would not have to travel to Sarajevo or Banja Luka to obtain information.[35] However, a number of interlocutors were concerned that this type of arrangement may not be financially sustainable. The suggestion was also made that staff from the Information Centre located in Sarajevo could travel to the more isolated locations on an regular basis, for the purpose of specific events and to meet with specific target groups (*e.g.*, schools, associations of victims, local media). It was suggested that these activities could be arranged with the support of municipalities, libraries, courts, or NGOs. It was noted that this arrangement would be particularly suitable if these institutions were working in partnership with the Centre and hosted an electronic set of ICTY public records.

45. In Croatia, the prevailing view was that an Information Centre be located in Zagreb, which would then disseminate information in electronic form to various partners within the country, thus facilitating access to the ICTY public records.[36] Again, the possibility of establishing satellite Centres was considered ideal, but interlocutors did not seem to think that it would be financially feasible. As in Bosnia-Herzegovina, possible partnership with other institutions, such as local NGOs, was identified as a way for a Centre located in Zagreb to reach out to the public in locations particularly affected by the crimes, such as Vukovar, Banovina, and Sisak.[37]

V. CONDITIONS AND POSSIBLE OBSTACLES

A. Language requirements

46. A majority of interlocutors in Bosnia-Herzegovina, Croatia, and Serbia expressed the view that Information Centres would only generate interest if they provided information in BCS.[38] This would require significantly increasing the amount of materials available in the local language. Accordingly, a strong interest in having transcripts and other materials available in BCS was expressed. A number of interlocutors stressed how the non-availability of transcripts and other materials in BCS, including judgements, was an obstacle to a better understanding of the work of the Tribunal,[39] as well as also the work of domestic proceedings. Most interlocutors insisted on the identification of qualified native speakers or persons fluent in local languages to staff Information

[34] Mr. Husnija Kamberović.

[35] Mr. Edin Ramulić, Representative of Izvor, Prijedor.

[36] Mr. Zoran Pusić, NGO Civic Committee for Human Rights.

[37] Ms. Katarina Kruhonja, Center for Peace, Non-violence and Human Rights Osijek. See also views expressed by Mr. Pšenica, representative of a victims association, who considered that the lack of popularity of ICTY judgements in the area may lead to resistance of potential partners.

[38] Mr. Milorad Novković, BiH High Judicial and Prosecutorial Council; Ms. Merima Husejinović, Justice Report Journalist, Balkan Investigative and Reporting Network BiH (BIRN BiH); Ms. Vesna Teršelič, Documenta; Ms. Katarina Kruhonja and Veselinka Kastratović, Center for Peace, Non-violence and Human Rights Osijek.

[39] Mr. Janko Velimirović, Acting Head of RS Centre for War Crimes Research.

Centres. In light of the representations made, it needs to be considered whether, in areas where Albanian or Macedonian languages are in use, any of the materials would be made available in that language and if not whether it would make sense to establish an Information Centre there. I note that the current ODIHR/ICTY project, which will produce transcripts in local languages, does not include Albanian or Macedonian. This may constitute an obstacle to establishing Centres in Kosovo and Macedonia. Further, if translations are carried out by organizations other than the ICTY, there will be difficulty in ensuring the accuracy and consistency of translations. One interlocutor recommended that such translations should be made under ICTY's control.[40]

B. Sustainability

47. The sustainability of Information Centres was presented as a necessary condition and a real challenge in the current context of recession in the Region. Long term funding for such a project was perceived by my interlocutors as a real challenge. Even if it were possible to raise funds for the initial phase of such a project from the international community, it may be difficult to secure long term funding. My interlocutors were of the view that commitment from local governments to provide financial support to the project long term will be difficult if not impossible to secure. A Senior Legal Advisor of OHR in Sarajevo estimated that Information Centres would need at least five years to be well established in the local communities.

C. Other Obstacles

48. One should bear in mind the fact that a number of local actors are very critical of the work of the ICTY and convey the message that it lacks independence and is a political tool of the international community. I consider that—even though this perception is not without impact on public opinion in Serbia, in Republika Srpska in Bosnia-Herzegovina where the Tribunal is often presented as "anti Serb",[41] and in Croatia and Kosovo where the decisions of the Tribunal are also often criticised—this perception would not discourage the Tribunal from establishing Information Centres in the Region. In fact, there are a number of local actors who place a lot of hope in the capacity of the ICTY's Legacy to help the people of former Yugoslavia to face their recent past and even engage in a process of reconciliation. Several interlocutors in Bosnia-Herzegovina and Serbia recommended that Information Centres place a lot of emphasis on the suffering of the victims of all sides and on the inhumanity of acts committed against them as a way to overcome political and ethnical barriers in the Region.

VI. RECOMMENDATIONS

49. In light of the foregoing, I am of the view that it is feasible and desirable to establish Information Centres at least in Bosnia-Herzegovina, Croatia, and Serbia. It is also feasible and desirable to deposit ICTY public records in one of existing institutions in Montenegro and to establish internet access points to such records in other institutions of Montenegro, but it seems to me to be less of a priority to establish an information centre in Montenegro than in the above-mentioned three countries. If Information Centres are established in Bosnia-Herzegovina, Croatia, and Serbia, it would be possible for them to work in partnership with the UNDP in Montenegro to facilitate access to ICTY public records there. Although I consider it desirable to establish an information centre in Kosovo and at least to deposit ICTY public records and to open access points to such records in institutions of FYROM as well, it may not be advisable to do so unless the ICTY is in a position to increase the amount of its public records available in the Albanian and/or Macedonian languages.

50. The following recommendations are aimed at moving forward with the project of establishing Information Centres in the Region:

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[40] Mr. Janko Velimirović, Acting Head of RS Centre for War Crimes Research.

[41] One representative of OSCE in Serbia feared that, if Information Centres were identified as extensions of the ICTY, rather than under the auspices of the UN, aggressive reactions from the public may follow.

1. Approach the authorities of Bosnia-Herzegovina, Croatia, Serbia, and Montenegro with a concrete proposal seeking their support, at least in principal, for the implementation on their respective territories of recommendations 2-5 (2 and 4-5 as far as Montenegro is concerned). A number of officials consulted indicated their expectation to be consulted formally on the matter and willingness to then make concrete proposals, including proposing specific institutions to be depositories of ICTY public records.

2. Identify at least one existing institution open to the public in Bosnia-Herzegovina, Croatia, Serbia, and Montenegro to act as a depository of a full set of certified ICTY Public Records, in hardcopy and/or electronic form. This institution could be selected from the list of institutions having already indicated readiness for such a project as well as from the list of institutions which may be forwarded by the States once formally consulted.

3. Establish for a transitional period (three years) within an existing UN office in each of the above countries (either ICTY field office if compatible with downsizing plans or UNDP) an Information Centre. Ideally one professional staff member and one administrative staff member would be dedicated to the project in each Centre.

   The core function of Information Centres would be to promote the Legacy of the ICTY by way of, and in partnership with, authorities and civil society representatives:

   (a) assisting institutions, which have established ICTY information internet access points, in exploring the full potential of ICTY public records and facilitating easy access for their users. This may include developing a user friendly access portal;
   (b) identifying/developing relevant materials for educational purposes for local partners engaged in educational activities;
   (c) organizing events, presentations, and round tables at which interested members of the public will be invited and presented with case specific or thematic subjects, making use of ICTY public records. Recording of such events and disseminating or using as support material for activities in other locations within the country or other countries of the Region. Associating local media for maximum coverage; and
   (d) identifying local partners in other locations of the relevant country which could assist staff from the Information Centre in making the ICTY public records more accessible in such locations.

4. Identify institutions in Bosnia-Herzegovina, Croatia, Serbia, and Montenegro whose users would benefit from having a internet access point with fast internet connection providing access to ICTY public records. Staff of the Information Centre to be established in the country will assist the institutions in question in exploring the full potential of ICTY public records and in facilitating easy access for their users. Law faculties, national libraries, research centres, and NGOs that have expressed a need for easier access to ICTY public records would appear to be relevant institutions for that purpose. The institutions in question could be selected from the list of institutions consulted during the present study, and States formally consulted as recommended above could also be invited to indicate a list of institutions deemed suitable for this purpose.

5. Adopt a policy of inter-regional coordination of the activities of Information Centres in order to maximize their efforts without having to duplicate them. This will involve the Centres (in Sarajevo) tasked with this particular objective liaising with the other Centres, consultation as to activities to be undertaken, information sharing in relation to these activities as well as materials generated by each of the Centres for possible use by others. If it were decided to have one institution as the depository of ICTY public records in Montenegro and in Kosovo and FYROM (provided that materials are available in Albanian and Macedonian), the Information Centres would also liaise with the institution in question and with UNDP in order to identify the best ways for these countries to benefit from information generated by Information Centres in the three other countries.

6. Include in the necessary fundraising exercise a project aimed at producing materials in Albanian and Macedonian without which it would not be possible to effectively implement Information Centres in Kosovo and FYROM.

ANNEX A – SUMMARY OF VIEWS EXPRESSED BY EACH INTERLOCUTOR

A. In Bosnia-Herzegovina

51. In Bosnia-Herzegovina, my interlocutors generally expressed support for establishing at least one Information Centre either in an existing institution or in partnership with existing institution(s), where copies of the ICTY public records would be deposited and accessible as well as related information. Most of them also expressed the need for Information Centres to adopt a strong outreach approach. The various expressions of interest or lack thereof are summarized below.

1. Officials

(a) Representatives of the Presidency of Bosnia-Herzegovina

52. Although the three members of the BiH Presidency were absent during my visit in Sarajevo,[42] I met with their advisors.[43] They recalled that there was no agreement among the Presidency with respect to the future location of the archive. The Bosniak and Croat members of the Presidency supported their return to Bosnia-Herzegovina under control of the UN control for 15-20 years,[44] while the Serb member of the Presidency felt that they should not be located in the Region, but only made accessible. The advisors of the three members of the Presidency expressed support for locating certified copies of the Tribunal's public records in the Region. As to the possibility of more concrete support for the project from the members of the Presidency, their advisors asked for a concrete proposal to be sent by the Tribunal if the project is to go forward. Both advisors to the Croat and Bosniak members of the Presidency were of the view that, in spite of the public nature of the material in question, the ICTY or the UN should, given the sensitivity of the material, have control over the institutions which would house the records. They also expressed the view that such institutions should not be run by an NGO.

(b) Representatives of the municipality of Sarajevo

53. The Mayor of Sarajevo, Mr. Behmen, briefly presented the municipality's project of becoming a depository of a full set of certified copies of ICTY public records. He already has a budget for this project. The idea is to host the ICTY records in the former city hall, a highly symbolic place, which would be accomplished after the building is renovated, which will take about two and a half years. Temporary premises have been identified until then. Mr. Behmen appeared concerned about the initiative of establishing Information Centres, which he perceived as a possible substitute to his own project. He is prepared to come to The Hague with his pilot team and further discuss details, if and when the President decides. The Mayor appears to consider that, if the municipality houses certified copies of the ICTY public materials, this will be a step to obtaining the original archives. The Mayor's interest in hosting an Information Centre focused on rendering the material in question accessible to the public for information and research purposes. The Mayor's adviser, Emir Suljagić, appeared to be of the view that, once in possession of the certified copies of ICTY public documents, the City of Sarajevo would become the interlocutor for domestic courts using such materials as evidence in their court proceedings. He briefed me on the steps undertaken by the municipality following the Mayor's discussions with President Robinson. A working group was established and has rendered conclusions, which the municipality will discuss both with the ICTY in The Hague and locally with UNDP BiH. The document produced by the working group analyzes technical and security aspects of the project aimed at preserving the material, as well as the logistics attached to the transfer of the certified copies to BiH. Mr. Suljagić did not exclude the possibility of the City of Sarajevo contributing to the establishment of an Information Centre, as long as the purpose of providing information is

[42] Mr. Željko Komić, Croat Member (Chairman of the BiH Presidency); Mr. Nebojiša Radmanović, Serb Member of the BiH Presidency; and Mr. Haris Silajdžić, Bosniak Member of the BiH Presidency were attending a conference at Butmir.
[43] Meeting with Ms. Dijana Tabori, Advisor to Mr. Komić; Ms. Nura Zimić, Chief of the Cabinet to Mr. Silajdić, and Mr. Boris Buha, Advisor to Mr. Radmanović, at the Presidency in Sarajevo on 20 October 2009.
[44] Mr. Mirsad Tokača, President of the Research and Documentation Center.

complementary to the deposition of the certified copies of the ICTY public material and not an alternative to it. The municipality would be in a position to provide staff to run the Centre, but it does not expect to have exclusive ownership of the project and would accept to share ownership of the project with the ICTY or the UN and even State organs.

54. Officials with whom I met in Banja Luka, in particular, the Acting Head and Deputy Head of the RS Centre for War Crimes Research, a Centre attached to the RS Ministry of Justice, also expressed support for the establishment of Information Centres in BiH.[45] They considered that it was not easy for the public in RS to access information of this kind and that a Centre should be located in Banja Luka.[46]

(c) Representatives of Prosecutorial and Judicial Institutions

55. Representatives of Prosecutorial and Judicial Institutions also expressed their interest in Information Centres being established in the Region, especially if it were accompanied by intensifying efforts to translate ICTY records into BCS.[47] Such a project would be in addition to the institutions they represent having their own channels for access to both public and confidential materials for use in domestic proceedings. According to a member of the High Judicial and Prosecutorial Council in Bosnia-Herzegovina, there is still a lot of mistrust among the people of Bosnia-Hezegovina due to what happened during the war, and to date not much has been done to rebuild trust.[48] One member stressed that the project had to be done before the Tribunal completes its mandate.[49] Another noted that the work of the ICTY is of high importance not only to the BiH Court, but also to Cantonal/District Courts which remain seised of numerous cases.[50] Some of the interlocutors suggested that the Ministry of Justice should be consulted and involved in such a project.[51] The Registrar of the State Court stressed that establishing Information Centres in the region would be extremely important if the Security Council decided to locate the Tribunal's archives outside the territories of former Yugoslavia. In light of the number of locations where crimes were committed, it would be important to have satellite Centres in those areas.[52]

2. Representatives of NGOs

56. A number of NGOs, including research and/or documentation centres, make use of ICTY records and are supportive of establishing an Information Centre in Bosnia-Herzegovina. For example, the Director of the Research and Documentation Center (RDC)[53] expressed a strong interest in ICTY records being made more accessible. The RDC is currently developing an Atlas of War Crimes, a digital map of BiH showing all the incidents that occurred during the war. The Atlas includes material accessible through the on-line internet database of the ICTY. The RDC is also trying to develop educational materials related to crimes committed during the conflicts. Since the beginning of 2009, the RDC has conducted a pilot project with high-school students asking for their perceptions of and interest in learning about the conflict of the 1990's. The students are ready to learn but their teachers are not ready to open up the discussion.

57. The Head of the Helsinki Committee for Human Rights in Republika Srpska supported the initiative, but anticipated that there would be serious challenges in building trust and ensuring that Information Centers were seen as neutral sources of information. The issue of maintaining security and sustainability of the Centres was also highlighted as a challenge. The Head considered that the support of governments and international

[45] Mr. Janko Velimirović, Acting Head of RS Centre for War Crimes Research; Mr. Cvjetko Savić, Deputy Head.
[46] Mr. Janko Velimirović, Acting Head of RS Centre for War Crimes Research.
[47] Mr. Milorad Novković, High Judicial and Prosecutorial Council; Mr. Milorad Barasin, Chief Prosecutor of BiH; Ms. Medžida Kreso, President of the Court of BiH.
[48] Mr. Novković, BiH High Judicial and Prosecutorial Council.
[49] Mr. Novković.
[50] Mr. Novković.
[51] Ms. Medžida Kreso, President of the Court of BiH; Ms. Biljana Potparić-Lipa, Registrar of the Court of BiH.
[52] Ms. Biljana Potparić-Lipa, Registrar of the Court of BiH; Mr. Edin Ramulić, Representative of Izvor, Prijedor.
[53] Mr. Mirsad Tokača, President of the Research and Documentation Center.

organizations would be necessary. Although convinced that the government of RS would not support financing the establishment of Information Centres, he was of the view that such Centres would be useful if they provided not only decisions and transcripts, but also documentary evidence such as photos and audio-visual material and cases which were processed but not completed.[54]

3. National Libraries and Archives

58. The Head of the National and University Library in Bosnia-Herzegovina stressed the importance of establishing Information Centres for the citizens of Bosnia-Herzegovina. He considered that on-line databases were unlikely to meet the need for understandable and objective information for a variety of reasons, including computer illiteracy.[55] More traditional ways of sharing information, *i.e.*, information provided orally, was likely to better educate a broader public. The National and University Library cannot currently offer adequate premises because the City Hall is still not renovated. However, its Head offered the Library as a partner for such a project providing assistance in training staff to be recruited by Information Centres according to accepted librarian and information standards. A similar interest and offer of assistance was expressed by the Acting President of the BiH Archive.[56] The form such assistance could take was essentially assistance in setting standards as to how to deal with the materials deposited in the Centres in order to guarantee neutrality and impartial distribution.

59. The Director of the National Library of Republika Srpska[57] expressed interest in receiving a full set of ICTY public records, even in electronic form. He stressed that the Library has copies of documents from several international organizations, such as NATO, and already hosts some ICTY public materials. It is also the only library in the area with a legal section. He emphasized his efforts to ensure that the Library offered the widest range of materials on different topics, without excluding delicate ones. For instance, the library contains all the materials it could gather in relation to Srebrenica. Of course the library could not be tasked with promoting the work of the ICTY, but it could offer access to its records and host presentations by staff from the Information Centre, as is currently the case with their American corner, which sometimes hosts guest speakers. As to the possible seat of an Information Centre, he suggested the Parliamentary Library of BiH. He emphasized that facts are important, as well as education, and that, if only 1,000 people are well informed about the work of the ICTY, they will spread the word. The approval of the authorities is essential, and he offered to inform the Minister of Education. The President of the RS Archives was skeptical about the feasibility of establishing Information Centres in RS, considering that the public in RS is not ready for it. While hoping that future generations would be free from bias, she stressed that in Bosnia-Herzegovina three sides—"three winners"—tend to write their history. She acknowledged that having authentic sources of information about the events of the war and war crimes would help create a good core of intellectuals and academics.[58]

4. Academia[59]

60. The Director of the Institute for the Research of Crimes Against Humanity and International Law considered that establishing an Information Centre in Bosnia-Herzegovina would be a project of high importance for the academic society of Bosnia-Herzegovina, as well as for all those who are related directly or indirectly to the work of the ICTY. The Institute has already gathered a large amount of materials generated by the ICTY, in electronic form, and is experienced in preserving documents and making them accessible. The material in question is constantly used in scientific research by national and foreign PhD and postgraduate students.[60] Although expressing interest for the idea, the Director of the History Institute in Sarajevo considered that establishing an

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[54] Mr. Branko Todorović, Head of the Helsinki Committee for Human Rights in Republika Srpska.
[55] Mr. Ismet Ovčina.
[56] Mr. Šaban Zahirović.
[57] Mr. Ranko Risojević, Director, National Library of Republika Srpska.
[58] Ms. Ljiljana Radošević, President of RS Archives.
[59] Mr. Saša Madacki, Director of Human Rights Center of the University of Sarajevo, who had confirmed attendance, did finally not attend the meeting.
[60] Mr. Smail Čekić.

Information Centre would bring a lot of problems and raise a lot of questions and thus would have to be very well planned from the outset. He warned against establishing Information Centres in accordance with the political and administrative division of the State, which would send a negative message to an already divided society. In his view, one single solid structure located in Sarajevo, working in partnership with other institutions and organizations in BiH, would be best.[61] And if more than one Centre was to be established, he recommended that more than three Centres be established. One of my interlocutors suggested that I contact Mr. Zdravko Grebo, from the Law Faculty of Sarajevo, as well as Mr. Hasan Nuhanović, as possible interlocutors for the project.[62] Unfortunately, time constraints prevented me from doing so.

5. Victims Associations

61. Representatives of victims associations with whom I met during my visit expressed very different views when consulted about establishing Information Centres. A number of them, including interlocutors critical of the work of the Tribunal, are nevertheless interested in obtaining easier access to its public record. Two interlocutors with whom I met in Sarajevo and Banja Luka were very supportive of the initiative, considering that it would be highly beneficial to the local community of Bosnia-Herzegovina where the largest number of war crimes were committed and where the public lacked easy access to accurate information about the work of the Tribunal.[63] He considered that it would help future generations better understand the events which occurred during the war, but that competent staff would have to be recruited to assist the public.[64] Other representatives with whom I met in Banja Luka were hostile towards the ICTY. Some of them considered that the ICTY had "lost credibility and any chance to be seen as impartial because its only strategy is to prosecute the Serbs".[65] Even so, views diverged with respect to whether Information Centres should be established. Referring to the launch of ICTY's website, one of them stated that it was full of partial (no mention of a single camp where Serbs were tortured) or fabricated information, which tells much about what could be expected from an Information Centre. Another interlocutor stated that "RS people think the ICTY is a political court that serves the USA, UK, Germany" and that the RS does not need Information Centres, which will further "promote the idea that Serbs are criminal".[66] Such Centres would only be useful if they helped further proceedings resulting in judgements against non-Serbs, or if they provided access to "information related to secret investigations on Izetbegović and Tudman".[67] Finally, one interlocutor in Banja Luka, also convinced that the ICTY was "anti-Serb", supported the idea of an Information Centre being established in his town as it "could tell more to the public, before it is said at the State Court".

6. Representatives of the International Community

62. Several representatives of the International Community in Bosnia-Herzegovina saw domestic courts as the logical depository institutions for ICTY public records.[68] This was viewed as a guarantee of appropriate geographical distribution as well as a way of securing their proper use and neutrality. A representative of the Office of the High Representative[69] was of the view that, for the project to be effective and for Information Centres to be recognized and accepted by the public of Bosnia-Herzegovina, an initial period of five years would be needed. According to her, at least for the initial period, the material should not be under local ownership. The Director of the Civil Society Initiatives, International Commission on Missing Persons (ICMP), suggested that

[61] Mr. Husnija Kamberović, Director of the History Institute.
[62] Recommended by Mr. Boro Kontić.
[63] Mr. Murat Tahirović, Head of Union of Former Camp Detainees in BiH; Mr. Edin Ramulić, a Bosniac Representative of IZVOR, Prijedor met in Banja Luka.
[64] Mr. Edin Ramulić, Representative of Izvor, Prijedor.
[65] Mr. Nedeljko Mitrović, Head of the Union of Associations of Families of Captured and Missing in Republika Srpska; Mr. Branislav Dukić, Head of the Republika Srpska Union of Former Camp Detainees; Mr. Boro Medić, a former detainee at Victor Bubanj barracks in Sarajevo.
[66] Mr. Boro Medić.
[67] *Idem*.
[68] Ms. Margriet Prins, Senior Adviser OHR; James Rodehavier, Head of Human Rights Department, OSCE.
[69] Ms. Margriet Prins, Senior Advisor, OHR.

ideally a main Centre with satellites would be created. If only one main Centre was to be established in Sarajevo, it should function in a manner that allows the information to be transferred easily from place to place, in order to reach out to parts of the population affected which cannot afford to travel. She believed that it would be difficult to gain the trust of victims and that some of them would have no trust in Information Centres if NGOs such as the Humanitarian Law Centre of Ms. Nataša Kandić were to be in charge. The representative of UNDP[70] considered that existing archivist organizations in Bosnia-Herzegovina would be suitable locations. She did not believe that the courts, which have financial and constitutional constraints, could become Information Centres. If the government cannot provide the Centres with adequate supervision, the UN should take responsibility for providing a system of checks and balances. This would probably be the best way to ensure neutrality and objectivity, although in any event this would still be challenging in the context of the society of Bosnia-Herzegovina.

B. In Croatia

1. Officials

63. All officials with whom I met in Croatia reiterated their wish that the ICTY archives be located outside the territories of the former Yugoslavia, under United Nations custody, and expressed support for Information Centres being established in the Region including in Croatia.

(a) Representatives of the State and Government

64. The Foreign Policy Adviser to the President of Croatia[71] welcomed the idea of establishing Information Centres. He stated that public materials accessible via Information Centres would be of vital importance for the public of the Region, which is often subjected to propaganda via media and activities of different political forces. If this project was to start before 18 February 2010 (before the President's mandate expires), it would receive full support from the Presidency. A number of political forces have been extremely critical about some of the Tribunal's judgements, but all in all ICTY's legacy is important in Croatia, especially to individualize the guilt, rather than blaming the country. According to the Foreign Policy Adviser to the President of Croatia,[72] building trust among the people is one of the main issues at stake. The view that it is about "us" and "them" and slogans like "all of them are like that" remain. Information Centres can help people in moving forward. Mr Jakić took the example of when President Mesić testified at the Tribunal under protective measures. The public began speculating about what was he saying: was he talking against Croatia? The President was highly criticised. In view of this and similar events, Mr. Jakić reiterated the importance of establishing Information Centres where the public could have access to accurate information about ICTY proceedings. He noted that it was of special importance in Croatia because none of the TV houses broadcast any of ICTY's trials. This makes it even more difficult for the Croatian public to form an opinion based on accurate information.

65. The Head of the Directorate for Multilateral Affairs Department for UN at the Ministry of Foreign Affairs and European Integration[73] welcomed the idea of establishing an Information Centre in Croatia as well as in other countries of the Region and considered it would be the appropriate way of bringing ICTY public records to the Region. She considered that, if the project was to move forward, there would be a need to provide to the government details of its organizational and financial aspects. She favoured the idea of a similar model being adopted for each Centre in the Region rather than ad hoc Information Centres.

[70] Ms. Alma Dedić, Portfolio Manager, Justice and Human Rights Portfolio, UNDP.
[71] Mr. Tomislav Jakić, Office of the President, Foreign Policy Adviser to the President of Croatia.
[72] Mr. Tomislav Jakić, Office of the President, Foreign Policy Adviser to the President of Croatia.
[73] Ms. Vuković, Head Directorate for Multilateral Affairs Department for UN at the Ministry of Foreign Affairs and European Integration.

66. The Minister of Justice[74] expressed support for the initiative which he considered to be important for th Legacy of Tribunal in the Region and for the continued fight against impunity. He enquired as to whether ICTY staff with good knowledge of the work of Tribunal would be involved in Information Centres. He stressed th this may be important to the neutrality and sustainability of such a project. He considered that in Croatia Information Centre could be attached to the Archives, or to the Documentation Centre for the Homeland War. H noted that the need for Information Centres in the Region was higher in Bosnia-Herzegovina and Serbia, but fe that his country was probably in a better position to implement such a project than Bosnia-Herzegovina. He wa of the opinion that the project should be conceived under the auspices of the United Nations and that the U should fund it, as it is about the Legacy of the ICTY. He expected that Member States would be willing participate, as would Croatia. The support of the UN would in his view secure continuity, neutrality, an ownership by the State. The Head of the Ministry of Justice Department for International Cooperatio International Legal Aid and Cooperation with International Criminal Courts[75] commented that, even for expert it is sometimes difficult to play a role in educating the public. He also raised the question of what will happe with Rule 70 materials once the Tribunal closes and whether they would be returned to providers.

(b) Representatives of Prosecutorial and Judicial Institutions

67. The State Prosecutor of Croatia[76] welcomed the idea of making ICTY's public records more accessible t the public of the Region, especially in cases where judgements have been rendered. In his view, each country the Region should have an Information Center. He noted that war crimes is a topic on which it is difficult to fin consensus. Some NGOs still debate about "ours and theirs victims", not only in Croatia but in the entire Regio He was also of the view that the need for Information Centres may be higher in Bosnia-Herzegovina which ha the highest number of victims as well as a more complex political situation. He stressed that State Prosecuto and judicial actors of the Region have agreed to work on a common database and that such joint efforts should b followed in connection with the establishment of Information Centres. Each country should have access, provid the same level of information, and avoid Information Centres serving hidden agendas.

68. The President of the Supreme Court[77] welcomed the idea of establishing Information Centres, considerin that the more ICTY public records are accessible the better. In light of the need for adequate technology an equipment, as well as the need to ensure impartiality and neutrality, Information Centres should be establishe under the auspices of the United Nations.[78] He did not necessarily consider it appropriate to establish Informatio Centres following a similar model in every country of the Region. The Deputy President of the Supreme Cou and President of the Criminal Section of the Supreme Court[79] considered that, although the government has goo relations with NGOs, it would not be the best option to put them in charge of an Information Centre. They shoul definitely be involved, but not be the main carriers of the project.

2. Academia

69. Mr. Ivo Josipović,[80] Professor at the Law Faculty of Zagreb, was of the view that interest for Informatio Centres would be rather limited in Croatia and that only some academics, lawyers, or journalists would have real interest. This is partly because the people of Croatia are essentially concerned by the economic situation o recession and also because this project is brought eight years too late. The interest of the Croatian public for th

[74] Mr. Šimonović, Minister of Justice of Croatia.

[75] Mr. Marković, Head of the Department for International Cooperation, International Legal Aid and Cooperation with International Criminal Courts, Ministry of Justice, Croatia.

[76] Mr. Bajić, State Prosecutor of Croatia.

[77] Mr. Branko Hrvatin, President of the Supreme Court.

[78] The same view was expressed by Ms. Ana Garačić, Deputy President of Supreme Court and President of the Criminal Section of the Supreme Court.

[79] Ms. Ana Garačić, Deputy President of Supreme Court and President of the Criminal Section of the Supreme Court.

[80] Mr. Josipović chaired a project aimed at creating documentation on war crimes which was supported by the Dutch authorities but failed due to lack of means. He is the newly elected President of Croatia.

work of the ICTY was only sparked by the arrest of Croats. However, Mr. Josipović recognized the Information Centre which would be very beneficial for a new generation of legal students. He stres influence of the ICTY is very positive on the legal system in the Region.

3. Representatives of NGOs

70. In Zagreb, I met with several representatives of Human Rights NGOs: the Human Rig Documenta; The Centre for Peace, Non-violence and Human Rights from Osijek; and the Civic Co Human Rights. These NGOs obviously work in a collaborative manner and expressed a keen Information Centres being established in the Region and being granted access to the preci documentation gathered and generated by the ICTY.[81] They were all interested in becoming partne Centre and even suggested that the Human Rights Centre would be an appropriate institution Information Centre. Its Director suggested that Information Centres should have a structure supervisory or advisory board including officials, NGO representatives, and independent experts. since the ICTY is still unpopular in Croatia, the government should definitely get involved with a re from the Ministry of Justice perhaps.[82]

71. This meeting also confirmed the importance for the project of generating BCS versions of Documenta for instance is often asked whether transcripts are available in BCS. This NGO availability of documents in electronic form adequate, as it helps in disseminating the material to partners, including the State Archives and the Human Rights Centre. As to the interest of rendering th accessible to areas mostly affected by the war and the crimes, according to the Centre for Peace, one into account the local political climate, which may be hostile to the establishment of an Information in Osijek, the party of Branimir Glavaš.[83]

72. According to the representative of the Civic Committee for Human Rights, an NGO working Documenta and the Centre for Peace in Osijek, a lot remains to be done to educate the public as important to prosecute and punish war criminals and as to what has been done so far by the ICTY judgements adjudicate facts and should be a guarantee of objectivity, ICTY judgements have been inte used for political agendas and remain sensitive subjects. However, the current situation in Croatia h and not cooperating with the ICTY is no longer an issue, especially at a time where Croatia is trying t is therefore a good moment to establish Information Centres.[84] The same interlocutor considered that a role to play in order to change public perception. He would expect to receive support from Informati in particular if they could organize lectures, debates, and round tables on their premises or ev locations. Such work would not only promote the Legacy of the Tribunal, but also be complimentary of local NGOs in building a society better equipped to resist the temptation of conflicts in the Region.[85]

73. The Center for Peace, Non-violence and Human Rights from Osijek considered that four pa principally be involved in the project: NGOs, government, academia, and the UN. The NGOs confronting the past and must be involved; the government should finance and guarantee sustainab project; the Law Academy could assist in ensuring dissemination of the jurisprudence; and finally th should be involved in implementing the project in the Region.[86] One of the representatives of the Pe whose function was to monitor war crimes trials conducted by the courts in Croatia, believed tha ICTY's documentation was necessary to improve the work of State Prosecutors in Croatia, espec

[81] Ms. Vesna Teršelič, Documenta.
[82] Mr. Tin Gazivoda, Director Human Rights Centre.
[83] Ms. Katarina Kruhonja and Veselinka Kastratović, Center for Peace, Non-violence and Human Rights Osijek.
[84] Mr. Zoran Pusić, NGO Civic Committee for Human Rights.
[85] Mr. Zoran Pusić, NGO Civic Committee for Human Rights; Ms. Katarina Kruhonja, Center for Peace, Non-violence Rights Osijek.
[86] Ms. Katarina Kruhonja, Center for Peace, Non-violence and Human Rights Osijek.

absence of a State Court for war crimes.[87] Victims are dissatisfied with the absence of investigations of serious crimes; and, when investigations are launched, they face many obstacles. Some victims of crimes committed in Sotin where greatly assisted by information from the Ovčara cases, and better access to the evidence collected by the ICTY can only be of assistance for cases that were poorly investigated.[88]

4. Representatives of Croatian State Archives

74. The Head of the Croatian Memorial Documentation Centre of the Homeland War[89] indicated that his institution is closely following the development of the ICTY's website and considered that the documents it contained should be made more broadly accessible to the public in Croatia. Establishing an Information Centre would definitely facilitate such access. A senior archivist[90] supported the idea of adding a full set of electronically certified copies of ICTY public records to the collection of documents in the State Archives, which already contains a large digital archive including a number of certified documents originating from the ICTY. They have an advanced structure to receive documents in electronic form, with advanced hardware and software, but the problem is in maintaining such equipment. There is a reading room with 160 places, open to the public. The Archives also have well trained professional staff to help and guide the visitors. The only real constraint is financial. If the UN were interested in depositing its ICTY public records with the State Archives, it would be particularly important to clarify the amount of space required as the State Archives already use 12 terra bytes and both space and additional hardware would probably be needed. The collection of ICTY public records could form part of the National Archive system, and so far two hundred institutions are merging into the same database. The ICTY's materials could also be separated using a different portal.

5. Victims Associations

75. The Head of the Union of Associations of Families of Detained and Missing Homeland War Defenders[91] welcomed the idea of establishing Information Centres in the Region. Although very critical about the Prosecution's strategy of determining whom to prosecute before the ICTY, he was convinced of the importance of promoting knowledge about the crimes committed in Croatia. His main concern was to find appropriate ways to bring the information closer to affected populations in locations other than Zagreb. He also expressed his concern that, 17 years after the beginning of the war, the formation of such Centres in the Region could cause problems if not done under the auspices of the ICTY or UN. He feared that partiality about the events would lead each country of the former Yugoslavia to present only their side of the story in their Information Centre.

76. A representative of the Association of Vukovar Mothers Working on the Issue of Missing Persons[92] stressed that ICTY documentation is of interest to Croatia and of importance to the work of associations like hers. She was critical of whether the law was in fact respected by the ICTY or domestic jurisdictions (referring to Ovčara trials in Belgrade) and said that victims too often had the impression that justice had not been done. She stressed that records of the ICTY and of domestic courts, transcripts in particular, were the best source of information to assist in locating mass graves and missing individuals. Therefore, at least one Information Centre should be established in Croatia and contain all the relevant material relating to the war crimes and events that occurred in Croatia. She stressed that public trust in Information Centres would depend on their organisational framework and whether they would be under the supervision of the government or the private sector. She considered that NGOs should be involved as consultants to Information Centres in order to prevent governments from misusing or abusing the Centres for their own political purposes and propaganda. She was of the view that a Committee or Board of Directors giving direction on the strategy of Information Centres should be involved in their supervision. She

[87] Ms. Veselinka Kastratović, Center for Peace, Non-violence and Human Rights Osijek.
[88] Ms. Veselinka Kastratović, Center for Peace, Non-violence and Human Rights Osijek.
[89] Mr. Ante Nazor, Head of Croatian Memorial Documentation Centre of the Homeland War.
[90] Ms. Vlatka Lemić, Senior Archivist, Head of Department for Information and Communication and Registry, Development and Documentation Service.
[91] Mr. Pšenica, Head of the Union of Associations of families of detained and missing homeland war defenders.
[92] Ms. Ljiljana Alvir, Vukovar's Mothers.

considered that the ICTY should be involved in the work of the Centre, at least in its initial phase, as the information is about its Legacy and requires expertise. Involving ICTY staff would ensure the quality and objectivity of the information provided by Information Centres and that all targeted groups have access to it. Information Centres should share reports about their activity, number of visitors, and the effectiveness of their outreach activities. After a period, local staff could take over.[93]

6. Representatives of International Community

77. The representative of UNDP expressed interest for the project and his will to assist the establishment of an Information Centre in Zagreb. He stressed that UNDP's presence in Croatia is only foreseen until 2012 but that until then UNDP could definitely assist in the key starting phase of the project.[94] The representative of the European Commission also expressed interest in a possible partnership with an Information Centre, especially in view of Croatia's future membership in the EU.[95] I visited the European Union Center in Zagreb,[96] which was conceived as a "window shop" Information Center and particularly well equipped (*i.e.*, hard copies of documents on the EU, computer access points, conference room with interpretation booths, trained staff working full time). It currently receives about 15-20 visitors per week, which is a small number considering that Croatia's future EU membership is one of the hottest topics in the country.

C. In Serbia

1. Officials

(a) Representatives of the government

78. The Minister of Labor, Employment and Social Affairs[97] stressed that without State support Information Centres could not move forward in Serbia and that he was not yet in a position to state whether the government would support the initiative, giving the very sensitive nature of the issue at stake and the political circumstances and the state of public opinion in Serbia. He also confirmed the position of the government that ICTY archives should remain in a neutral location outside the Region. As to the state of the public opinion, he stressed that things are as if the war only ended yesterday. On the surface it seems as if everything is under control but under the surface it is not so. He was however personally of the view that in order to foster reconciliation the past had to be faced. As to the sensitivity of the topic, while the public would need to have access to all the documents submitted to the Tribunal, there was a danger of stirring up the situation and in providing an overdose of information. If the project were to be endorsed, it would be key to anticipate all problems to avoid mistakes from the outset. The Minister invited me to meet further with his collaborators,[98] including the Director of the NCC.[99] He concluded by stating that, given the amount of documentation provided by Serbia to the ICTY, it could probably be expected to be actively involved in such a project if it were to move ahead.

79. The main concern expressed by the Director of the NCC was the confidentiality of documents. Although aware that Information Centres would only provide access to public records, he was concerned that documents that Serbia provided to the Tribunal without requesting them being granted confidential status during ICTY proceedings would become available to the public in Serbia via Information Centres. This was likely to stir up the situation. He gave the example of lengthy documents sent by Serbia to the ICTY without requesting protective measures of which only a couple of sentences were used in court or quoted in the judgements, but admitted as

[93] *Idem.*
[94] Mr. Yuri Atanasov, Resident representative, UNDP Croatia.
[95] Mr. Paolo Berizzi, Counsellor, Head of Operations Economic Development, Justice and Home Affairs, Civil Society, Delegation of the European Commission to Croatia.
[96] Visit assisted by Ms. Avis Benes.
[97] Mr. Rasim Ljajić, Minister of Labor, Employment and Social Affairs.
[98] Mr. Dušan Ignjatović, Director of NCC and his advisor Mr. Jovan Ničić.
[99] Mr. Dušan Ignjatović, Director of NCC.

public exhibits in their entirety. He was not aware that public exhibits are already placed on the ICTY public database available on-line once trials are completed. According to him, the project of establishing Information Centres in the Region, including in Serbia, is viable, and Serbia would want to be involved in it. However, it would have to be carefully planned and the government should have ownership over it because the States should promote the Tribunal's legacy. He expressed concerns as to President's Robinson comment that the former Yugoslavia would be a possible location for ICTY archives. He gave the example that the only original of the Dayton Agreement held in Sarajevo was lost.

(b) Representatives of Prosecutorial and Judicial Institutions

80. Contrary to the views of the prosecutorial and judicial officials with whom I met in Bosnia-Herzegovina and Croatia, with the exception of the Acting President of the Belgrade District Court and the President of the War Crimes Chamber, my interlocutors from the Serbian judiciary wondered why they would be valid interlocutors to consult regarding the feasibility of establishing Information Centres in Serbia. This may be due to the fact that some of them were stepping in for another colleague[100] and/or admittedly unprepared to discuss an issue other than that of ICTY archives proper.[101] According to the Deputy War Crimes Prosecutor of Serbia, Information Centres would be of no assistance to the work of the Serbian Prosecutorial authorities.[102] The Acting President of the Belgrade District Court and the President of the War Crimes Chamber considered that it would be more appropriate to have an Information Centre located together with the Archives of the ICTY in order to avoid multiplication and dissemination of the ICTY records in many locations. He recalled that the position of the government is to host the Archives in The Hague with the Residual Mechanism. However, if the project would be limited to providing electronic access to ICTY public records, then he considered that there existed institutions in Serbia which could provide such access. Such dissemination of ICTY public records would not only be useful for raising public awareness, it would also form part of providing justice to victims and witnesses. Although conscious that the legal jargon of ICTY judgements is not easily understandable for a majority of the population, he would not be favourable to Information Centres excerpting facts contained in the judgments, engaging in debates, or comparing cases because of the sensitivity of the topic. The Advisor to the War Crimes Prosecutor[103] considered that, thanks to the action of prosecutorial and judicial actors involved in fighting impunity for war crimes, the public opinion of Serbia has already changed with respect to the prosecution of the war crimes. However, she was concerned that, if documents considered as public by the Tribunal were granted confidential status in Serbia, such documents could not be made accessible to the public by Information Centres or the Centres may find themselves in violation of the Laws of Serbia.

(c) Other officials

81. The Commissioner for Information of Public Importance and Personal Data Protection[104] expressed great interest for the initiative and stressed that he is one among a group of people who understand the work of the Tribunal and supported it from the beginning. In his view, the ICTY's documentation is precious and forms a collection of materials from which many should learn. Alerted to the sensitivity of the topic in Serbia, he stressed the importance of making the information about the crimes falling within the jurisdiction of the Tribunal available to the public and gave the example of Srebrenica execution footage, which had a great impact on the public in Serbia even if it also provoked madness and nationalism. In such a context, Information Centres would have a difficult but essential role to play. While understanding that Information Centres would only provide access to public materials, he expressed his regret that States including Serbia request and obtain confidential status for certain documents. The public should, in his view, have maximum access to all documents and, where such confidentiality is ordered, it should not apply for a lengthy period of time. In particular, there is no reason why

[100] Mr. Veselin Mrdak, Deputy War Crimes Prosecutor (who replaced Mr. Vukčević, War Crimes Prosecutor, during the meeting).
[101] Mr. Novica Peković, President of the Criminal Court Committee, Supreme Court Serbia.
[102] Mr. Veselin Mrdak.
[103] Ms. Biserka Živković, Advisor to the War Crimes Prosecutor.
[104] Mr. Rodobljub Šabić, Commissioner for Information of Public Importance and Personal Data Protection, Serbia.

documents submitted by Serbia to the Tribunal should remain confidential longer than if they remained in Serbia. He also expressed his hope that establishing an Information Centre in Serbia would help demystify the work of the Tribunal and allow the public to develop a better understanding of it and of the events that happened. He considered that, even if some political parties in Serbia are clearly not friendly to the Tribunal, the project should go ahead, even though he anticipates political and also logistical difficulties in its implementation. He would support a regional approach and did not believe that, in view of the current recession, the project could succeed without financial support from the international community. He was not sure that the government of Serbia would be supportive given its negative attitude towards the ICTY and the UN. He also advised that the ICTY should look for partners for the project within the civil society and with NGOs such as the Humanitarian Law Center of Nataša Kandić or even a coalition of NGOs. Finally, he particularly welcomed the project because he did not trust that the Residual Mechanism will retain sufficient outreach capacity.

2. National Libraries and Archives

82. The Director of the National Library of Serbia[105] expressed interest for the idea of establishing Information Centres in the Region. The mission of the National Library of Serbia is to collect all material produced in Serbia and the Serbian language as well as documents published about Serbia. Therefore BCS versions of ICTY public records are of great interest to the National Library of Serbia, which would support becoming a depository of these materials and making them available. The Deputy Director of the National Library of Serbia[106] suggested that a good approach to establishing Information Centres would involve creating a network of six national Centres located in national institutions, supported by governments. She believed that there would be more support for the initiative in Serbia and in other countries if the initiative were regional and well connected with other regions.

3. Representatives of NGOs

83. I met with representatives of the Humanitarian Law Centre, the Lawyers' Committee for Human Rights (YUCOM), the Helsinki Committee for Human Rights, and the Youth Initiative for Human Rights.

84. The representative of YUCOM[107] welcomed the initiative but warned that Serbia was not yet ready to face its recent past and that public opinion still regarded the ICTY as an illegal political Tribunal whose only aim is to blame the Serbian people.

85. The representative of the Helsinki Committee for Human Rights[108] concurred with her colleague from YUCOM that Serbia is in a very deep state of denial about its role in the conflict, which is encouraged by the State. The State and its structures are so well organized in interpreting what happened that Information Centres would be really helpful for the public to have access to objective and relevant Information. Information Centres would definitely assist the work of NGOs.

86. The Head of the Humanitarian Law Centre[109] considered that the time had come for Serbia to use ICTY's records for educational purposes. She was however skeptical of the compatibility of the work of NGOs with Information Centres and considered that the Tribunal should focus on its completion strategy. The Humanitarian Law Centre has compiled material covering 6,000 days of trials. The HLC is now aiming at starting an educational program in January 2010. This will be a step by step approach, first a short program (half an hour- an hour maximum). Then the HLC will start a program of cooperation with the State and offer educational programs for their employees, civil servants. Asked whether she could think of possible ways for Information Centres to

[105] Mr. Sreten Ugričić, Director of the National Library of Serbia.
[106] Ms. Vesna Injac-Malbaša, Deputy Director National Library of Serbia, Head of the Sector for Program and Projects.
[107] Mr. Dušan Bogdanović, YUCOM (Lawyers' Committee for Human Rights).
[108] Ms. Sonja Biserko, Helsinki Committee for Human Rights.
[109] Ms. Nataša Kandić, Head Humanitarian Law Centre.

assist the HLC in its strategy, for instance in developing materials identified as useful by NGOs, she considered that there would indeed be ways for the ICTY to help the NGOs as part of transferring its legacy to the Region. She is of the view that the State is not ready yet for educational programs and that prosecutors have an interest in covering up information. As to archives, she is not concerned by the question of their location but rather by the question of accessibility. The presence of Information Centres in the Region, as depositories of copies of public materials, would indeed be of interest, especially in light of the on-going project of creating a Regional Truth Committee (for the former Yugoslavia). She is skeptical as to the capacity of the ICTY to digitize all its video material. She stressed that cooperating and communicating with the NGOs in the Region would be essential to improving outreach activities in the Region. She finally considered that now, with the start of Karadžić's trial, was the proper moment for establishing Information Centres in the Region but that these Centres should respect the initiative undertaken by NGOs engaging in the field of education and not interfere with it. Reacting to Ms. Kandić's last comment, Mr. Bogdanović added that there was room for Information Centres to work closely with NGOs and other institutions engaged in education (the European Union, for instance). My interlocutors indicated that the law faculty in Serbia does not yet incorporate ICTY jurisprudence into its curriculum.

87. The Director of the Youth Initiative for Human Rights[110] stressed the many reasons why it was import for Serbia to have broad access to ICTY's documentation, notably the education of youth, transitional justice, and changing the public's perception of ICTY's role. She recommended that further consultation be made to determine the best way of establishing the Centres, keeping in mind the work of local NGOs and making sure that work is not undermined (especially the work of the Humanitarian Law Centre). She suggested that Information Centres develop educational packages with case summaries in a user friendly form for a public with no legal education.

4. Representatives of the International Community

88. The OSCE National Legal Advisor on War Crimes[111] welcomed the initiative but anticipated that concerns would be raised by the judiciary and government. He suggested that Information Centres should not be conceived as mere depository of documents but should be developed into multi-media Centres. He favoured the establishment of one Centre per country in the entire region. He anticipated that the project would be more feasible if undertaken under supervision by the State and the United Nations, but not the ICTY as it provokes negative reactions within the public. It should be carefully planned, and in his view, proper timing would require waiting until all first instance trials are finished. He could not exclude possible excessive reactions from the public. He believed that the public could only properly be educated about the ICTY's legacy once it has come to closure. Finally, he considered that Information Centres should be designed according to the particular needs of the countries and should differ in Serbia, Bosnia-Herzegovina, and Croatia. The Head of OSCE Rule of Law and Human Rights Department[112] saw the project of establishing Information Centres as a long term one; she considered that if Mladić were to be arrested, it would be best to defer its starting point. She also recommended careful determination of the best moment to start the project as it would be a pity if such a very good initiative was ruined by starting on the wrong foot. As to ownership of the project, she considered that the State should be the owner, but that the United Nation or the European Union should initiate it. She finally recommended that the initiative be undertaken at the Regional level, to avoid partiality.

89. The representative of the European Commission present at the meeting with representatives of the international community also supported the initiative and disagreed with her colleague from OSCE as to its timing. She considered that the time was ripe for it and that Information Centres would be crucial for the work of the local judiciary and fostering a better climate. She also considered that in Serbia the Karadžić trial and the interest it will generate would allow Information Centres to better equip media and outreach to cover the event.

[110] Ms. Maja Stojanović, Director, Youth Initiative for Human Rights.
[111] Mr. Ivan Jovanović, OSCE, National Legal Advisor on War Crimes.
[112] Ms. Ruth van Rijn, Head OSCE Rule of Law and Human Rights Department.

Conscious of the sensitivity of the issue, she recommended careful planning and consultation with the authorities. Once Serbia has accepted ownership of the project, sustainability will not be an issue. She considered that the project should be identified as a United Nations one. I met separately with the Head of the Delegation of the European Commission to the Republic of Serbia[113] who asked me to brief him on how this project fit with the ICTY Outreach Programme and with the ODIHR project, which the European Union is about to finance.

90. The representative of UNDP[114] recalled two projects it undertook: a feasibility study on locating the Archives in the territories of the former Yugoslavia and a "Notions of Justice" project which aimed at transferring knowledge from the international sector to local stakeholders. Based on assessments made in the context of the two projects, there is a need for establishing Information Centres in the Region. She recommended that Information Centres provide information about Rwanda, Sierra Leone, and Cambodia in order to show what UN Tribunals are doing on a broader scale. She also considered that Information Centers were important to secure the ICTY's legacy in Serbia where the United Nation's image is damaged by the negative reception of ICTY's work. In this regard, it would be important to show that the ICTY's Legacy forms part of the UN's work for the benefit of humanity. Information Centres should focus on the victims: all victims of violations of humanitarian law in the former Yugoslavia and elsewhere in the world have the same suffering. She considered that the time is ripe for educating the public. The level of computer literacy is not such that information needs can be met by way of on-line databases. It would also be desirable to have victims working in the Centres. She recommended adopting a similar approach in Bosnia-Herzegovina, Croatia, and Serbia—under Regional supervision. She finally mentioned UNDP's Transitional Justice Project, an assessment of conditions in former Yugoslavia, a very fruitful project, and suggested the group that conducted the study be invited to the opening of Information Centres.

D. In Montenegro

1. Officials

(a) Representatives of the State and Government

91. The Advisor to the President of Montenegro for National Security and Defence[115] considered that it may be more productive to locate Information Centres in areas mostly affected by war crimes. The project would be of primary importance for Bosnia-Herzegovina, Serbia, and Croatia. Although there are no indictments issued by the Tribunal against citizens of Montenegro, he does not exclude the participation of Montenegro in such a project. In his view, Information Centres would essentially serve an educational purpose. There would be of immediate benefit to persons working in the legal field. Additionally, the project would help citizens of every country in the Region to never forget the war and lessons learned from it. Montenegro cooperates with the ICTY, and its government was always criticized for such cooperation. In this light, the time may not be right for locating an Information Centre in Podgorica.

92. The Foreign Affairs Advisor to the President of Montenegro[116] added his concern as to a possible reaction from the public. Since the war did not take place on the territory of Montenegro and the younger generation did not experience it, he would expect a lack of interest from them. That being said, he considered that such Centres would benefit historians, researchers, academics, and law students; and, once tensions have decreased, they would remind the citizens of the recent past of the Region.

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[113] H.E. Vincent Degert, Head of the Delegation of the European Commission to the Republic of Serbia, who recently took office in Serbia and was previously Head of the Delegation of the European Commission to the Republic of Croatia.

[114] Ms. Biljana Ledeničanin, UNDP.

[115] Mr. Vuk Bošković, Advisor to the President of Montenegro for National Security and Defense.

[116] Mr. Ivan Leković, Foreign Affairs Advisor.

93. The Secretary of the Minister of Justice[117] stressed that his country had made every effort to cooperate with the ICTY, including facilitating its investigations. He saw the development of international criminal law as a very positive one for the domestic judiciary. At the national level, Montenegro has undertaken to prosecute alleged perpetrators of war crimes and informed the public about it. He considered that Montenegro may be in a position to support this project, although he would need more details. In his view, it is likely that the entire Region would support it, although probably different approaches would be suggested. The main benefit he would expect from such a project would be assisting the Region and its people in facing their past and the reality of events that occurred, with a view to learning lessons from this past. Montenegro is already familiar and uses some of ICTY's documentation; and, since the agreement of 2007 on cooperation, they have had the access to its Judicial Data Base. In spite of the sensitivity of the matter, he would not fear abuse resulting from the establishment of an Information Centre in Montenegro as its society has a culture open to dialogue. The methodology and approach of Information Centres should be carefully planned in order to secure neutrality on all levels. The staff to be employed in these Centres would have to be well trained, knowledgeable about the facts established by the ICTY and its proceedings, and even more importantly persons of integrity. He will report to the Minister of Justice and would expect to come back to the Tribunal more concretely on the matter. He concluded by stating that, as Montenegro does not have any open issue with its neighbours, it could even assist the project at the regional level as well.

(b) Prosecutorial and Judicial Officials

94. The President of the Supreme Court[118] did not think that it would be beneficial for Montenegro to have an Information Centre located on its territory. The country was fortunate enough that the war did not occur on its soil and only four war crimes cases were processed. She feared that the creation of an Information Centre in Montenegro would "reheat" hatred and nationalism. She stated that Montenegro wants to go on with its future, forget about past events, and not to be reminded. This is an attitude which is not common in the region where talking about the past, and reopening old wounds is a way to avoid facing challenges of the future. The judiciary in Montenegro is transparent about its work, and judgements when issued are published on the webpage of the court. There is also a very good cooperation with judiciaries in the Region, in particular Croatia.

95. The State Prosecutor[119] was supportive of the idea of establishing Information Centres in the Region, including one in Montenegro. In her view, the project could be useful for experts as well as those segments of the public interested in knowing more about those events. Provided that the objectivity and impartiality of Information Centres were guaranteed, they would be very appropriate channels for informing the public. Conscious of the sensitivity of the matter and the risks attached to it, she noted that, in order to secure trust, it would be important to determine how the information is delivered and who would be the owner of the information. As a State Prosecutor, she would be very interested in learning more from an Information Centre about the procedures and practices of the Tribunal in handling cases. Montenegro would also benefit from its legal practitioners being better informed of the law and procedure of proceedings at the ICTY and the lessons learned by the ICTY. As far as the interest of a larger public, she believed that it may be higher in other countries of the Region than in Montenegro, which only has four on-going war crimes cases. However, the war is still a sensitive subject in Montenegro, and victims are still in pain. Several years ago, round tables on war time events and discussion about the deportation of Muslims in Montenegro were organized in Montenegro and the feedback on these events was positive. Prosecutors in the Region have a good level of cooperation, they meet every year in Brijuni, Croatia, and have a common database. This facilitated the process of the on-going war crime cases.

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[117] Mr. Srdjan Spaić, Secretary Minister of Justice of Montenegro. The meeting was also attended by Ms. Snjezana Mares, Independent Advisor at the Ministry of Justice.

[118] Ms. Medenica, President of the Supreme Court of Montenegro.

[119] Ms. Ranka Čarapić, State Prosecutor of Montenegro.

2. Representatives of the State Archives

96. Aware that my visit did not relate to the original archives of the ICTY, the Director of the State Archives[120] expressed the interest of his institution in being a depository of certified copies of ICTY public records in any form, including electronic, given the importance that such material has for Montenegro as well as all the States of the Region. Although not certain that he would possess the required staffing and technical requirements for such a project, the State Archives of Montenegro would use every possibility of increasing its capacity. It is currently in the process of adopting a network system which is used by Croatian Archives, and this new system will improve the storage and search capacity. He suggested that, if it were decided to establish Information Centres elsewhere than with the State Archives, they could still be of assistance as consultants given their expertise in handling documents.

3. Representatives of the International Community

97. The Head of OSCE Mission to Montenegro[121] was very attracted to the idea of establishing Information Centres in the Region and considered it to be a good way of eliminating misperceptions. She was, however, concerned about its timing, since the Region is still very much unstable and in spite of on-going efforts made to build a democracy, this is a lengthy process. It would be difficult to avoid the risk of misuse of information provided by Information Centres to serve political agendas. Media have a tendency to distort the truth, and freedom of expression and responsibility of all actors are not yet fully established. In this light, the establishment of Information Centres should not be discouraged but would have to be carefully planned. The public is still divided as to where responsibilities lie and on the issue of individual guilt. In order for Information Centres to gain the trust of the public, they will have to employ well trained staff with sufficient knowledge of the ICTY's work. The OSCE Rule of Law Program Manager[122] stressed that establishing Information Centres may have a great impact on the public but that all possible scenarios including the possibility of having a negative impact should also be taken into consideration. A number of persons in power in the Region were directly involved in the war. Also, the relationship between Montenegro and Serbia remains fragile, and it is important to avoid it being jeopardized. In an initial phase, it would therefore be necessary to convince officials from both countries of the benefits of the project.

98. The UN Resident and UNDP Representative in Montenegro[123] considered that establishing Information Centres would be an important step in transferring the Legacy of the ICTY to the Region. He believed that there will be demand for access to ICTY public records from various segments of the public (*e.g.*, researchers, law students, government bodies). He considered that in Montenegro it may be preferable to organize access under the auspices of the UN in order to guarantee the neutrality of the information and avoid its misuse. It will take years to change the minds of some people in these territories. Both Montenegro and Serbia are still developing their statehood, and one should make every effort to avoid hatred being spread, especially with regard to the relationship between the two countries. He also wondered whether the possibility had been considered of locating an Information Centre in The Hague only. He was of the view that universities or the State Archives in Montenegro may be the most appropriate places to locate Information Centres.

[120] Mr. Radunović, Director of the State Archives of Montenegro. Ms. Jadranka Selhanović, Assistant Director of the State Archives, also attended the meeting.

[121] H.E. Ambassador Parasciva Badescu, Head of OSCE Mission to Montenegro.

[122] Ms. Sandra Horina, OSCE Rule of Law Program Manager.

[123] H.E. Ambassador Alexander Avanessov, UN Resident Coordinator and UNDP Representative in Montenegro.

E. In Kosovo

1. Officials

99. The Minister of Justice[124] indicated that she was not prepared to take a definite position as to the merit of establishing Information Centres, as she was unprepared to do so at this time. In principle, she would consider this a good initiative but coming too late. Lack of Albanian transcripts and the poor quality of translations into Albanian were real concerns. She also raised the question of restitution to Kosovo of original documents submitted by it to the Tribunal. If the project were to go ahead, she would favour a state institution being in charge of Information Centres rather than an NGO, in order to ensure their sustainability.

2. Academia and Human Rights Centres

100. The Dean of the Law Faculty of Pristina[125] saw the benefit Kosovo would gain from an Information Centre being established on its territory, especially for academics and students. Unfortunately, the Law Faculty, with more than 8,000 students, currently lacks space to host an Information Center because it shares premises with the Faculty of Economics and will continue to do so until proper premises are built across the street. The Dean teaches Criminal Law, and one of the subjects is international criminal law and crimes against humanity, covering the jurisprudence of the ad hoc Tribunals. The Dean was quite critical of the Tribunal, which he considered to be playing a political role rather than a merely judicial one, and he referred to the fact that facts that occurred in Kosovo were not charged as attempts to commit genocide.

101. The Director of the Centre for Human Rights[126] expressed support for the establishment of an Information Centre in Kosovo. He saw it as an important initiative, which could bring the information generated by the ICTY closer to the Region. The Hague is too distant, and there is a deficiency in material available in Albanian, which is a real limitation. The general public cannot afford to travel to The Hague. He explained that, although the Centre for Human Rights was originally focused on human rights in the strict sense, its collection of documents had progressively expanded and now covers international humanitarian law. An important effort has been undertaken by the Centre to translate documents into Albanian, and it also organizes and hosts seminars. One such seminar co-organized with the ICRC was devoted to humanitarian law and human rights. The Centre for Human Rights, located in the premises of the Law Faculty, is obviously open to the students, but also to the public or practitioners and others involved in training activities with other institutions. The Center has budgetary limitations (no financial support from the State) and has to negotiate support for each event from other institutions, including international organizations. Also, the Centre does not have its own account and needs to proceed via the Ministry of Education, which sometimes does not allow the Centre to be as proactive as it would wish. However, he is of the view that the Centre could be considered as a proper place to locate an Information Centre in Kosovo. In addition to its library and computer access points, it would be able to share its premises and equipment with one or two more staff. It also has a conference room which is being used for its training seminars.

3. Representative of an NGO

102. The Executive Director of the Council for Defence of Human Rights and Freedoms[127] was very critical of the work of the Tribunal. He considers the Tribunal to lack independence and that it has failed in its mission and lost credibility. He expressed the view that the interest for Information Centres in Kosovo would be non-existent, unless such Centres were run by local staff and not aimed at promoting the work of the ICTY but rather presenting material which could be of interest for Kosovo. He heavily criticized the absence of any production of

[124] Ms. Nekibe Kelmendi, Minister of Justice of Kosovo. Mr. Arsim Janova, Deputy Minister of Justice, and a number of staff from the Ministry also attended the meeting.
[125] Professor Bajram Uka, Dean of the Law Faculty, Pristina.
[126] Mr. Valon Murati, Centre for Human Rights, located in the Faculty of Law of Pristina.
[127] Mr. Bexhet Sh. Shala, Executive Director, Council for Defence of Human Rights and Freedoms Pristina.

transcripts in the Albanian language. He has heard of the project of producing transcripts in BCS and stressed that it shows that no one at the Tribunal cares about the Albanian population of Kosovo of which 90% of the younger generation does not understand Serbian.

4. Representatives of Archives

103. The Chief Executive, State Agency of Archives,[128] considered that there was a need for Kosovo being a depository of certified copies of ICTY public records. He welcomed the initiative of establishing Information Centres and expressed the wish of his institution to co-operate and become a partner in this project. He offered to contact the Tribunal with further thoughts and suggestions after my mission. The State Agency of Archives, if it were identified as a possible depository of ICTY public records, would have no problem with dealing with certified copies rather than originals. A number of original documents were destroyed or disappeared during the war, and their own archives were reconstituted with the assistance of other archives. Archives would be a logical location for these materials, as it is staffed with experts and professionals and also has sufficient space in their current premises. They are also used to facilitating access to documents. They enquired as to the amount of documents concerned (number of pages and bytes).

5. Representatives of the International Community

104. A Legal Expert from EULEX[129] considered that there are open minded lawyers in Kosovo who would most probably be very interested in having access to an Information Centre in Priština. Universities would also constitute proper targets because students are also open minded and keen to access valuable documentation likely to contribute to their education. The public in Kosovo has been influenced over the years by many external influences and interferences, and it is really the younger generation in which hopes shall be put. He suggested that the Kosovo Law Centre would probably be interested in getting involved in such a project.

105. I also met with various representatives of the EULEX Office of Missing Persons and Forensics.[130] The co-Head of the Office explained that they had obtained 85,000 pages of documentation from ICTY forensic teams. Some of these documents gave new leads, and access to ICTY public records would be extremely useful for them as well as for the witnesses who live abroad. He believed that the establishment of Information Centres as a depository of ICTY public records would be well received by all NGOs dealing with missing persons because it would be beneficial for them to have some autopsy and exhumation reports. They have received some pages via ICRC, but did not appear to be familiar with the ICTY on-line database. There is a strong demand for information from the victims' families; and, even if they could not obtain precise information about their missing relatives, it could at least shed more light on the events.

106. The Director of UNMIK Office of Political Affairs[131] considered that the presence of an Information Centre in Kosovo would be of interest to civil society, media, academia, and NGOs dealing with missing persons. He would expect the government to express some concerns and not be willing to make big publicity of the existence of such a Centre; and, the media being owned by the State would probably not offer much support to advertize its existence. The situation in Kosovo is not easy, certain persons against whom charges existed were not prosecuted, witnesses were threatened, and some killed. He suggested possible contacts to further discuss the project and raise support for it, including the Deputy Prime Minister, Mr. Ramaj; the Head of the Government's Commission for Missing Persons, Ms. Enghelusse Morina; the Head of the local branch of European Security Initiative (ESI), Ms. Nusreta Kumnova; the President of the Office for Missing Persons (ICRC counterpart),; the Centre for Defence of Human Rights and Freedoms (CDHRF); and the Kosovar Institute for Policy Research and Development (KIPRED), which is more involved in public security.

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[128] Dr. Jusuf Osmani, Chief Executive, State Agency of Archives, Kosovo.

[129] Mr. Andrew Powell, Legal Expert, EULEX.

[130] Mr. Alan Robinson, Co-Head; Ms. Valerie Brasey, Advisor.

[131] Mr. Joylon Naegle, Director of UNMIK's Office of Political Affairs.

107. The Chief of Staff of UNMIK,[132] previously involved in issues of missing persons until last year when EULEX took over responsibility, suggested that Mr. Ramaj, Deputy Prime Minister, would be a valuable and influent contact for the project of establishing an Information Centre in Kosovo, since he has a very personal interest in the issue of missing persons and ICTY public records may contain valuable information for this cause. He is not convinced that the public would be willing to learn more about the Legacy of the ICTY and its work. Victims and especially those who are missing members of their family are discouraged. They cannot see that a lot was done: 1,800 people are still missing, and there is still 420 unidentified remains in the morgue, which have been there for years. He however suggested that Ms. Premke Gjerkaj, from one of the victims group, could be an interesting interlocutor with whom to speak.

108. The UNDP Project Manager of Access to Justice[133] and the UNDP National Programme Analyst[134] expressed interest in the project and considered that it would fit within the on-going Access to Justice Programme of UNDP in Kosovo, which is aimed at educating civil society and raising its legal awareness on rights and issues of transitional justice. UNDP and OHCHR are working in partnership on the issue of missing persons and targeting areas where the number of missing persons is the highest in an effort to provide people living in these areas legal assistance and information. They have a good cooperation with the Kosovo Chamber of Advocates, as well as a strong partnership with various representatives of the civil society. The UNDP National Programme Analyst suggested that the Head of OHCHR, Mr. Paul Miller and Mr. Argon Vernezi, would be valuable contacts for further steps in the project.

109. An OSCE consultant[135] considered that the establishment of an Information Centre in Kosovo was a good idea and that it may put pressure on processing war crimes. In his view, this is a good moment for such a project, *i.e.* when the OSCE is about to report in February on its assessment of number and process by which war crimes proceedings have been processed and how successful or not the transition to EULEX has been. The last OSCE report on the Special War Crimes Project was issued in 2002, followed by a report on the situation of witnesses in 2007. The ODIHR report will be complementary to this one. The general public perception is that the international community and international organizations have failed in Kosovo. It is anticipated that all cases will ultimately be transferred to local institutions; and, it is in this context that the establishment of an Information Centre makes a lot of sense.

F. In FYROM

1. Officials

(a) Representative of the Ministry of Justice

110. The Director of the Section for International Law Affairs at the Ministry of Justice[136] stressed the good cooperation between FYROM and the ICTY, the Ministry of Justice being the liaison between the domestic judiciary and the Tribunal. Among the three cases submitted to the Public Prosecutor currently being processed, one case is in the phase of investigation, another at the pre-trial stage, and the third one is awaiting verdict. She expressed interest in FYROM being informed of the results of the present study, especially in respect of other countries. The initiative in her view is a good one. She was of the view that the judicial academy (training body for judges and prosecutors) would be an appropriate point of contact as it does training on humanitarian law and organizes conferences.

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[132] Mr. Robert E. Sorrensen, Chief of Staff UNMIK.
[133] Ms. Mithulina Chatterjee, UNDP Project Manager Access to Justice.
[134] Ms. Virgjina Dumica, the UNDP National Programme Analyst.
[135] Mr. Henry McGowen, OSCE Consultant, in presence of Mr Harold D. Dampier, Chief of Legal System Monitoring Section.
[136] Ms. Snežana Mojsova, Director, Section for International Law Affairs, Ministry of Justice, FYROM. Ms Sanja Dimovska, Associate in the Section, also attended the meeting.

(b) Prosecutorial and judicial officials

111. The President of the Macedonian Supreme Court[137] was enthusiastic about the initiative, considering it of great interest to the public in Macedonia. In fact, only part of the sole trial concerning Macedonia was broadcast on Macedonian TV, and there was no proper coverage in the media, thus the public is yet to receive proper information about it. As to possible locations in Macedonia for hosting an Information Centre, he suggested the National Library because this is the location which receives the largest number of members of the public. If a Centre was to be established in Skopje, extension or local satellites would probably be beneficial. Aware of the perception in the Region that the ICTY is a political Tribunal, he believed that the role of media in this misperception is important, but that it is never too late to better inform the public of the Region of the Legacy of the ICTY. The language barrier is one major obstacle to the public receiving relevant and accurate information about the Tribunal and its work via its website. In Macedonia, many people understand Serbian but translation of relevant material in Macedonian would definitely be a great asset, which would increase interest and acceptance. This is also a matter of respect for the Macedonian people. Even for legal experts and students, proper translation of the case law would make a big difference. He wondered whether establishing Information Centres would be worthwhile without translation issues being properly addressed. He finally concluded that, although the Macedonian judiciary is capable of dealing with the cases referred to it, better information to the Macedonian public about the ICTY's work would put in perspective the work of the domestic judiciary and improve its perception by the public.

112. The Public Prosecutor[138] had no objection in principle to the project, especially if financing would come from the international community, but wondered whether the public would really benefit from the establishment of an Information Centre since the ICTY public records are already available on-line. He could see an interest among legal experts, including the local legal community, which already benefits from the fact that 40 judges and prosecutors have been attending visits and seminars in The Hague. As to a broader public, he was not so sure that it would be interested and suggested that further analysis be undertaken prior to engaging in the project. ICTY cases and jurisprudence, including concerning other parts of the Region, would definitely be of interest to law students in order to increase their knowledge of international criminal substantive and procedural law.

2. Representatives of National Archives

113. The Head of the Macedonian National Archives[139] noted that services provided by Information Centres may go beyond the classic role of archives but that Macedonia would in any event be very interested in receiving copies of public records, either in hardcopy or electronic format, or both. Given the number of transcripts, he would favor a transfer of electronically certified copies. He enquired as to the total amount of space involved, including digitized videos.

3. Representatives of the Civil Society

114. The Director of the Centre for Democracy and Security "Euro-Balkan" Institute[140] a private educational institute, teaching regional Balkan studies and humanitarian law and also dealing with gender issues, supported the initiative but wondered whether this was the best timing in light of the Tribunal's completion strategy. She thought that an Information Centre may assist in raising public awareness of the Tribunal's Legacy and also be seen as a neutral source of information by journalists. She would recommend Information Centres being independent from the State. The Macedonian Law Faculty is teaching humanitarian law, it is optional in the last year of studies. ICTY public records and case law databases would obviously be of great interest to law students. A Macedonian Red Cross (Skopje branch) initiative is currently on-going, aimed at promoting human values. The

[137] Mr. Jovo Vangelovski, President of the Macedonian Supreme Court.
[138] Mr. Jovan Ilievski, Public Prosecutor of FYROM.
[139] Mr. Zoran Todorovski, Head of Macedonian National Archives.
[140] Ms. Jana Lozanoska, Director of the Center for Democracy and Security "Euro-Balkan" Institute.

same initiative is on-going in Belgrade under their National Red Cross. She recommended that journalists b targeted and invited to visit the Information Centre and attend some of its outreach activities. Media in FYROM rarely provide information of quality and do not appear to care about its accuracy. It sometimes applies to NGOs whose public statements can be inaccurate. *A priori*, she considered that there should be a different focus in each part of the region in order to reflect the specificity of the location and the interest of its public. There is no Centre providing assistance to witnesses and victims in Macedonia, which also has problems with its minorities (for instance Roma, some of whom were internally displaced). She would definitely be willing to work in partnership with an Information Centre if established in FYROM and could help promoting it via Euro-Balkan's website which could link the Centre with its activities.

4. Representatives of the International Community

115. I met with two representatives of UNDP[141] who stressed that UNDP is dealing with a number of issues wit the government but were not sure that Information Centres could form part of it. They will inform the Actin Resident Coordinator in order to discuss it at the next UN Country Team meeting. UNDP would probably not b able to provide staff or resources. There is a need for information and for providing access to it in Macedonia and this is an area neglected. On the issue of sustainability of Information Centres, even if they were to b established with external funding, it would be helpful to have a strategy involving government assistance as th is not a project that can be successful if limited to a year or two. As a first step, one should identify who woul host the Information Centre (*e.g.*, government, NGOs). If approved, then further steps could be taken for i implementation. Currently UNDP is working together with UNESCO and UNICEF on educating and reinforcin inter-ethnic dialogue. They suggested contacting the Vice Prime Minister of Implementation of Ohrid Fram Agreement, the Ministry of Foreign Affairs, the Institute for Political and Sociological Studies, and the Truth an Reconciliation Committee (a regional initiative).

116. The representatives of the OSCE Mission in FYROM[142] wondered whether there would be justification fo establishing an Information Centre in Skopje since only one case concerning FYROM is being dealt with by th ICTY and only three cases dealt with by the local judiciary have been transferred by the ICTY. They suggeste that the President of Basic Court 1 in Skopje, Ms. Lidija Nedelkova, would be a valid contact on the issue sinc the three cases is question are being processed by this court, which in total has only four war crime cases. The considered that it may be of interest and assistance to the court itself and have a spill over effect for the judici system as a whole. The President of Basic Court 1 attended one of the visits of the local judiciary to the ICTY The Hague. Basic Court 1 does not have a spokesperson, but has a media Centre aimed at reaching out to th public. In spite of it, there is not a lot of transparency in FYROM, and a number of issues are not discusse publicly. In this context, an Information Centre may help, especially if the confidentiality of certain ICT documents is ultimately lifted. It could help reconciliation. In Macedonia, there are still a lot of issues whic cannot be discussed in public.

[141] Ms. Vesna Džuteska-Bisheva, UNDP ARR Programme; Ms. Mihaela Stojkoska, UNDP Decentralisation Programme Officer.
[142] Ms. Lisa Tinley, Head of Rule of Law, OSCE Mission in FYROM; Mr. Meriton Pajaziti.

ANNEX B – LIST OF PERSONS MET IN THE REGION

Bosnia-Herzegovina: 20-21 October 2009 in Sarajevo and 22 October 2009 in Banja Luka

Sarajevo
Ms. Dijana Tabori, Advisor to Mr. Željko Komić, Croat Member/Chairman of the BiH Presidency
Ms. Nura Zimić, Chief of the Cabinet to Haris Silajdić, Bosniak Member of the BiH Presidency
Mr. Boris Buha, Advisor to Nebojiša Radmanović, Serb Member of the BiH Presidency
Mr. Alija Behmen, Mayor of Sarajevo and his advisor Mr. Emir Suljagić
Mr. Boro Kontić, Director of Mediacentar Sarajevo
Mr. Mirsad Tokača, President of the Research and Documentation Center (RDC)
Ms. Adisa Kovač, Outreach Program with the RDC
Ms. Merima Husejinović, Justice Report Journalist, Balkan Investigative and Reporting Network BiH (BIRN
Ms. Margriet Prins, OHR Senior Advisor
Mr. James Rodehavier, Head of Human Rights Department OSCE
Ms. Alma Dedić, Portfolio Manager, Justice and Human Rights Portfolio, UNDP
Ms. Patricia Pfister, Director, Civil Society Initiatives, International Commission on Missing Persons
Mr. Husnija Kamberović, Director of the History Institute
Mr. Smail Čekić, Director of the Institute for the Research of Crimes Against Humanity and Internationa
Mr. Šaban Zahirović, Acting President of BiH Archive
Mr. Sejdalija Ćušić, Head of Sarajevo Historical Archive and Bosnia and Herzegovina Archivists Societ
Mr. Ismet Ovčina, Head of the National and University Library in Bosnia and Herzegovina
Ms. Bedita Islamović, National and University Library in Bosnia and Herzegovina

Banja Luka
Mr. Janko Velimirović, Acting Head of RS Centre for War Crimes Research
Mr. Cvjetko Savić, Deputy Head of RS Centre for War Crimes Research
Ms. Ljiljana Radošević, President of RS Archives
Mr. Ranko Risojević, Director, National Library of Republika Srpska
Branko Todorović, Head of the Helsinki Committee for Human Rights in Republika Srpska
Mr. Murat Tahirović, Head of Union of Former Camp Detainees in BiH
Mr. Edin Ramulić, a Bosniac Representative of IZVOR, Prijedor
Mr. Nedeljko Mitrović, Head of the Union of Associations of Families of Captured and Missing in Repu
Srpska; Mr Branislav Dukić, Head of the Republika Srpska Union of Former Camp Detainees; Mr. Boro
former detainee at Victor Bubanj barracks in Sarajevo

Croatia: 23 and 26 October 2009 in Zagreb

Mr. Tomislav Jakić, Office of the President, Foreign Policy Adviser to the President of Croatia
Ms. Vuković, Head Directorate for Multilateral Affairs Department for UN at the Ministry of Foreign
and European Integration
Mr. Šimonović, Minister of Justice of Croatia
Mr. Markotić, Head of the Department for International Cooperation, International Legal Aid and Coope
with International Criminal Courts, Ministry of Justice, Croatia
Mr. Bajić, State Prosecutor of Croatia
Mr. Branko Hrvatin, President of the Supreme Court
Ms. Ana Garačić, Deputy President of Supreme Court and President of the Criminal Section of the Supreme
Mr. Josipović, Professor Law faculty of Zagreb and newly elected President of Croatia
Ms. Vesna Teršelić, Documenta
Mr. Tin Gazivoda, Director, Human Rights Centre
Ms. Katarina Kruhonja and Ms. Veselinka Kastratović, Center for Peace, Non-violence and Human Rights C

Mr. Zoran Pusić, NGO Civic Committee for Human Rights
Mr. Ante Nazor, Head of Croatian Memorial Documentation Centre of the Homeland War
Ms. Vlatka Lemić, Senior Archivist, Head of Department for Information and Communication and Registry, Development and Documentation Service
Mr. Pšenica, Head of the Union of Associations of families of detained and missing homeland war defenders
Ms. Ljiljana Alvir, Vukovar's Mothers
Mr. Yuri Atanasov, Resident Representative, UNDP Croatia
Mr. Paolo Berizzi, Counsellor, Head of Operations Economic Development, Justice and Home Affairs, Civil Society, Delegation of the European Commission to Croatia

Serbia: 27-28 October 2009 in Belgrade

Mr. Rasim Ljajić, Minister of Labor, Employment and Social Affairs
Mr. Dušan Ignjatović, Director of NCC and his advisor Mr. Jovan Ničić
Mr. Veselin Mrdak, Deputy War Crimes Prosecutor (who replaced Mr. Vukčević, War Crimes Prosecutor, during the meeting)
Mr. Novica Peković, President of the Criminal Court Committee, Supreme Court Serbia
Ms. Biserka Živković, Advisor to the War Crimes Prosecutor
Mr. Rodobljub Sabić, Commissioner for Information of Public Importance and Personal Data Protection, Serbia
Mr. Sreten Ugričić, Director of the National Library of Serbia
Ms. Vesna Injac-Malbaša, Deputy Director National Library of Serbia, Head of the Sector for Program and Projects
Mr. Dušan Bogdanović, YUCOM (Lawyers' Committee for Human Rights)
Ms. Sonja Biserko, Helsinki Committee for Human Rights
Ms. Nataša Kandić, Head Humanitarian Law Centre
Ms. Maja Stojanović, Director, Youth Initiative for Human Rights
Mr. Ivan Jovanović, OSCE, National Legal Advisor on War Crimes
Ms. Ruth van Rijn, Head OSCE Rule of Law and Human Rights Department
H.E. Vincent Degert, Head of the Delegation of the European Commission to the Republic of Serbia
Ms. Biljana Ledeničanin, UNDP

Montenegro: 29 October 2009 in Podgorica

Mr. Vuk Bošković, Advisor to the President of Montenegro for National Security and Defence
Mr. Ivan Leković, Foreign Affairs Advisor
Mr. Srđan Spaić, Secretary Minister of Justice of Montenegro (the meeting was also attended by Ms. Snjezana Mareš, Independent Advisor at the Ministry of Justice)
Ms. Medenica, President of the Supreme Court of Montenegro
Ms. Ranka Čarapić, State Prosecutor of Montenegro
Mr. Radunović, Director of the State Archives of Montenegro (Ms. Jadranka Selhanović, Assistant Director of the State Archives, also attended the meeting)
H.E. Ambassador Parasciva Badescu, Head of OSCE Mission to Montenegro
Ms. Sandra Horina, OSCE Rule of Law Program Manager
H.E. Ambassador Alexander Avanessov, UN Resident Coordinator and UNDP Representative in Montenegro

Kosovo: 30 October 2009 in Pristina

Ms. Nekibe Kelmendi, Minister of Justice of Kosovo (Mr. Arsim Janova, Deputy Minister of Justice and a number of staff from the Ministry also attended the meeting)
Professor Bajram Uka, Dean of the Law Faculty, Priština
Mr. Valon Murati, Centre for Human Rights, located in the Faculty of Law of Pristina
Mr. Bexhet Sh. Shala, Executive Director, Council for Defence of Human Rights and Freedoms Priština
Dr. Jusuf Osmani, Chief Executive, State Agency of Archives, Kosovo
Mr. Andrew Powell, Legal Expert, EULEX

Mr. Alan Robinson, Co-Head; Ms. Valerie Brasey, Advisor; Mr. Robinson
Mr. Joylon Naegle, Director of UNMIK's Office of Political Affairs
Mr. Robert E. Sorrensen, Chief of Staff UNMIK
Ms. Mithulina Chatterjee and Virgjina Dumica, UNDP Project Manager Access to Justice and National Programme Analyst
Mr. Henry McGowen, OSCE Consultant, in presence of Mr Harold D. Dampier, Chief of Legal System Monitoring Section

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Ms. Snežana Mojsova, Director, Section for International Law Affairs, Ministry of Justice, FYROM (Ms. Sanja Dimovska, Associate in the Section, also attended the meeting)
Mr. Jovo Vangelovski, President of the Macedonian Supreme Court
Mr. Jovan Ilievski, Public Prosecutor of FYROM
Mr. Zoran Todorovski, Head of Macedonian National Archives
Ms. Jana Lozanoska, Director of the Center for Democracy and Security "Euro-Balkan" Institute
Ms. Vesna Džuteska-Bisheva, UNDP ARR Programme; Ms. Mihaela Stojkoska, UNDP Decentralisation Programme Officer
Ms. Lisa Tinley, Head of Rule of Law, OSCE Mission in FYROM; Mr. Meriton Pajaziti